



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE DEPUTY GOVERNOR
Supervision and Examination Sector

CIRCULAR LETTER NO. CL-2011 004

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

Subject : **Circular Letter – Anti-Money Laundering Council (AMLC) Resolution No. 111 dated 08 December 2010**

Pursuant to Anti-Money Laundering Council Resolution No. 111 dated 08 December 2010 (copy attached), you are hereby informed that on 03 November 2010, the United Nations Security Council Al-Qaida and Taliban Sanctions (SCAQTS) Committee approved the addition of **(1) AGHA JAN ALIZAI and (2) SALEH MOHAMMAD KAKAR** 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 the United Nations.

Under the same resolution, all covered institutions are likewise directed to submit to the AMLC reports on suspicious transactions, if any, involving **(1) AGHA JAN ALIZAI and (2) SALEH MOHAMMAD KAKAR**, including all transactions that occurred within the past five (5) years counting from date of receipt of the Resolution.

For your guidance and strict implementation.

JOHNNY NOE E. RAVALO
Sector-In-Charge

18 January 2011

Att: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 111 Series of 2010

In its Memorandum dated 30 November 2010, the AMLC Secretariat (AMLC Secretariat) reported to the Council that:

On 3 November 2010, the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of two entries to its Consolidated List ("Consolidated List") of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1¹ of Security Council Resolution 1904 (2009) adopted under Chapter VII of the Charter of the United Nations. The details of entries added in the list are as follows:

A. Individuals associated with the Taliban

Name	: 1: AGHA 2: JAN 3: ALIZAI 4: na
Name (original script)	: اغا جان على زى
Title	: Haji
Date Of Birth	: a) 15 Oct. 1963 b) 14 Feb. 1973 c) 1967 d) Approximately 1957
Place Of Birth	: a) Hitemchai Village, Helmand Province, Afghanistan b) Kandahar, Afghanistan
Good quality a.k.a.	: a) Haji Agha Jan Alizai b) Hajji Agha Jan c) Agha Jan Alazai d) Haji Loi Lala e) Loi Agha
Nationality	: Afghan
Listed on	: 4 Nov. 2010
Other information	: Has managed a drug trafficking network in Helmand, Afghanistan. Has regularly travelled to Pakistan.

¹ 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").

Name : 1: SALEH 2: MOHAMMAD 3: KAKAR
 4: na
Name (original script) : صالح محمد كاكار
Date Of Birth : Approximately 1962
Place Of Birth : Nulgham Village, Panjwai District,
 Kandahar, Afghanistan
Good quality a.k.a. : Saleh Mohammad
Nationality : Afghan
Listed on : 4 Nov. 2010
Other information : Has run an organized smuggling
 network in Kandahar and Helmand
 provinces, Afghanistan. Previously
 operated heroin processing
 laboratories in Band-e-Timor,
 Kandahar, Afghanistan. Has owned a
 car dealership in Kandahar,
 Afghanistan.

The inclusion of AGHA JAN ALIZAI and SALEH MOHAMMAD KAKAR in the list of the UN Security Council validates their being associated with the Taliban, 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."

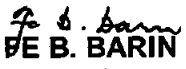
As a charter member of the United Nations and as part of the international coalition against terrorism, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UNSC Resolutions.

The Council resolved to:

- (1) Direct all covered institutions to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving AGHA JAN ALIZAI and SALEH MOHAMMAD KAKAR, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution;
- (2) Authorize the AMLC Secretariat to file, through the Office of the Solicitor General (OSG), a petition to freeze the bank account/s and other assets, if any, of the aforementioned individuals and;
- (3) Authorize the Executive Director, or in his absence, the Officer-in-Charge of the AMLC Secretariat, to sign the Verification and Certification of the Petition, and all other pleadings, initiatory or otherwise, related to the foregoing case; and
- (4) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

08 December 2010, Manila, Philippines.


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


E. B. BARIN
Member
(Chairman, Securities and Exchange Commission)


VIDA P. CHIONG
Acting Member
(Officer-in-Charge, Insurance Commission)