



BANGKO SENTRAL NG PILIPINAS

**OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR**

CIRCULAR LETTER NO. CL-2011- 036

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

**Subject : Anti-Money Laundering Council (AMLC)
Resolution No. 40-A dated 03 May 2011**

Pursuant to Anti-Money Laundering Council Resolution No. 40-A dated 03 May 2011 (copy attached), you are hereby informed that on 01 December 2010, the United Nations (UN) Security Council Committee which was established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo added the following four (4) individuals: (1) IYAMUREMYE, Gaston (2) NSANZUBUKIRE, Felicien (3) ZIMURINDA, Innocent and (4) MUGARAGU, Leodomir, to the List of Individuals and Entities subject to the measures imposed by paragraph 13 and 15 of UN Security Council Resolutions No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010).

Under the same resolution, all covered institutions are likewise directed to submit to the AMLC reports on suspicious transactions, if any, involving the above-mentioned individuals including all transactions that occurred within the past five (5) years counting from the date of receipt of the Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA JR.
Deputy Governor

25 May 2011

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 40-A
Series of 2011

In its Memorandum dated 25 April 2011, the AMLC Secretariat (AMLCs) reported to the Council that:

On 1 December 2010, the United Nations (UN) Security Council Committee¹ which was established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo added the following four individuals to the List of Individuals and Entities (List) subject to the measures imposed by paragraphs 13 and 15 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010). The details of the individuals added in the List are as follows:

Name (last/first):	: IYAMUREMYE, Gaston;
Alias	: Rumuli; Byiringiro Victor Rumuli; Victor Rumuri; Michel Byiringiro;
Date Of Birth	: 1948;
Place Of Birth	: Musanze District (Northern Province), Rwanda;
Alt. POB	: Ruhengeri, Rwanda;
Passport/Identifying information	: <u>Title</u> : Second Vice President of FDLR ² ; <u>Rank</u> : Brigadier General; <u>Current location</u> : Kibua, North Kivu, Democratic Republic of Congo (DRC); <u>Alt. Current location</u> : Aru, DRC.

¹ Created pursuant to the UN Security Council (UNSC) Resolution No. 1533 (2004) and tasked to, among others, implement and monitor compliance with Paragraph 20 of UNSC Resolution No. 1493, which demands all states to take necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo.

² The forces democratiques de liberation du Rwanda (FDLR) or The Democratic Forces for the Liberation of Rwanda is the primary remnant of Rwandan Hutu Power rebel group in the east of the Democratic Republic of Congo. The group is both a military group and a **terrorist organization**.

Designation Justification : According to multiple sources, including the UNSC DRC Sanctions Committee's Group of Experts, Gaston Iyamuremye is the second vice president of the FDLR and is considered a core member of the FDLR military and political leadership. Gaston Iyamuremye also ran Ignace Murwanashyaka's (President of the FDLR) office in Kibua, DRC until December 2009.

Name (last/first): : NSANZUBUKIRE, Félicien; Alias; Fred Irakeza;
Date Of Birth : 1967;
Place Of Birth : Murama, Kinyinya, Rubungo, Kigali, Rwanda; Current location: Uvira-Sange area, Uvira Territory, South Kivu Province, DRC.

Designation Justification : According to multiple sources, Félicien Nsanzubukire is the 1st battalion leader of the FDLR. Félicien Nsanzubukire has been a member of the FDLR since at least 1994 and operating in eastern DRC since October 1998. The UNSC DRC Sanction Committee's Group of Experts reports that Félicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu.

Name (last/first): : ZIMURINDA, Innocent;
Date Of Birth : September 1, 1972;
Alt. DOB : 1975;
Place of Birth (POB): : Ngungu, Masisi Territory, North Kivu Province, DRC; Current location: Masisi Territory, North Kivu Province, DRC;

Passport/Identifying information

: Rank: Lieutenant Colonel. According to open-source and official reporting, Lt Col Innocent Zimurinda was an officer in the Congrès National pour la Défense du Peuple (CNDP) which was integrated into the Forces Armées de la République Démocratique du Congo (FARDC) in early 2009.

Designation Justification

: According to multiple sources, Lt Col Innocent Zimurinda, in his capacity as one of the commanders of the FARDC 231st Brigade, gave orders that resulted in the massacre of over 100 Rwandan refugees, mostly women and children, during an April 2009 military operation in the Shalio area. The UNSC DRC Sanctions Committee's Group of Experts reported that Lt Col Innocent Zimurinda was witnessed first hand refusing to release three children from his command in Kalehe, on August 29, 2009. According to multiple sources, Lt Col Innocent Zimurinda, prior to the CNDP's integration into FARDC, participated in a November 2008 CNDP operation that resulted in the massacre of 89 civilians, including women and children, in the region of Kiwanja. In March 2010, 51 human rights groups working in eastern DRC posted a complaint online alleging that Lt Col Innocent Zimurinda was responsible for multiple human rights abuses involving the murder of numerous civilians, including women and children, between February 2007 and August 2007. Lt Col Innocent Zimurinda has also been accused in the same complaint to be responsible for the rape of a large number of women and girls. According to a May 21, 2010, statement by the Special Representative of the Secretary General for Children and Armed Conflict, Innocent Zimurinda has been involved in the

arbitrary execution of child soldiers, including during operation Kimia II. According to the same statement, he denied access by the UN Mission in the DRC (MONUC) to screen troops for minors. According to the UNSC DRC Sanctions Committee's Group of Experts, Lt Col Zimurinda holds direct and command responsibility for child recruitment and for maintaining children within troops under his command.

Name (last/first)	: MUGARAGU, Leodomir;
Alias	: Manzi Leon; Leo Manzi;
Date of Birth	: 1954;
Alt. DOB	: 1953;
Date Of Birth	: Kigali, Rwanda;
Alt. POB	: Rushashi (Northern Province), Rwanda;
Passport/Identifying Information	: <u>Title</u> : FDLR/FOCA Chief of Staff; <u>Rank</u> : Brigadier General;
Designation	: According to open-source and official reporting, Leodomir Mugaragu is the Chief of Staff of the Forces Combattantes Abucunguzi/Combatant Force for the Liberation of Rwanda (FOCA), the FDLR's armed wing. According to official reporting Mugaragu is a senior planner for FDLR's military operations in the eastern DRC.
Justification	

The UN Security Council Resolution No. 1596 adopted on 18 April 2005 provides that:

"The Security Council,

x x x

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

x x x

1. *Reaffirms* the measures established by paragraph 20 of resolution 1493³, dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, *decides* that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes financing and financial assistance related to military activities;

13. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all the States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

x x x

15. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, **immediately freeze the funds, other financial assets and economic resources which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;**

x x x."

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

³ 20. *Decides* that all states, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo;

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

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."

The inclusion of IYAMUREMYE, Gaston; NSANZUBUKIRE, Félicien; ZIMURINDA, Innocent; and MUGARAGU, Leodomir in the List of Individuals and Entities subject to the measures imposed by paragraphs 13 and 14 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010), requires a cooperative act among UN members. Accordingly, as a charter member of the United Nations, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UN Security Council 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 IYAMUREMYE, Gaston; NSANZUBUKIRE, Félicien; ZIMURINDA, Innocent; and MUGARAGU, Leodomir, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution; and

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

03 May 2011, Manila, Philippines.



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



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



EMMANUEL F. DOOC
Member
(Commissioner, Insurance Commission)