



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2013- 057

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

Subject : **Anti-Money Laundering Council (AMLC) Resolution No. 80 dated 23 August 2013**

Pursuant to Anti-Money Laundering Council Resolution No. 80 dated 23 August 2013 (copy attached), you are hereby informed that on 12 November 2012, the United Nations Security Council (UNSC) Committee, established pursuant to UNSC Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo, approved the addition of **BADEGE, Eric; RUNIGA, Jean-Marie Lugerero; Forces Democratiques De Liberation Du Rwanda; and M23** to the List of Individuals and Entities subject to the measures imposed by paragraph 15 of UNSC Resolution No. 1596 (2005).

Accordingly, all BSP covered institutions are directed to submit to the AMLC reports on suspicious transactions, if any, involving **BADEGE, Eric; RUNIGA, Jean-Marie Lugerero; Forces Democratiques De Liberation Du Rwanda; and M23**, including all transactions that occurred within the past five (5) years from the date of receipt of this Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA JR.
Deputy Governor

17 October 2013

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 88 Series of 2013

In its Memorandum dated 16 August 2013, the AMLC Secretariat (AMLCs) reported to the Council that:

On 12 November 2012, the United Nations (UN) Security Council Committee¹, established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo (DRC), added the following individuals and entities to the List of Individuals and Entities subject to the measure imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005). The details of the individuals and entities added in the said list are as follows:

- 1. Name (last/first):** : BADEGE, Eric.
Date Of Birth (DOB) : 1971.
Designation Justification :

According to a November 15, 2012, final report by the Group of Experts on the Democratic Republic of the Congo, "...Lt. Col. Eric BADEGE had become the focal point of Movement du 23 Mars (M23) in Masisi and commanded joint operations..." with another military leader. Additionally, "a series of coordinated attacks carried out in August [2012] by Lt. Col. BADEGE...enabled M23 to destabilize a considerable part of Masisi territory." "According to former combatants, Lt Col. BADEGE...acted under the orders of Col. Makenga when he orchestrated the attacks.

As a military commander of M23, BADEGE is responsible for serious violations involving the targeting of children or women in situations of armed conflict. According to the November 2012 Group of Experts report, there have been several major incidents of indiscriminate killings of civilians, including women and children.

¹ Created pursuant to the UN Security Council (UNSC) Resolution No. 1533 (2004) and tasked to, among others, implement and monitor compliance with UNSC Resolution No. 1493, which was strengthened by UNSC Resolution Nos. 1533, 1596, 1649, 1768, 1771, and 1799 imposing asset freeze, among other things, 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.

Since May 2012, Raia Mutomboki, under the command of M23, has killed hundreds of civilians in a series of coordinated attacks. In August, Badege carried out joint attacks which involved the indiscriminate killings of civilians. The November Group of Experts report states that these attacks were jointly orchestrated by Badege and Colonel Makoma Semivumbi Jacques. According to the Group of Experts Report, local leaders from Masisi stated that Badege commanded these Raia Mutomboki attacks on the ground.

According to a July 28, 2012, Radio Okapi article, "the administrator of Masisi announced this Saturday, July 28th, the defection of the commander of the 2nd Battalion of the 410th Regiment FARDC base Nabiondo, about thirty kilometers northwest of Goma in North Kivu. According to him, Colonel Eric Badege and more than a hundred soldiers headed Friday to Rubaya, 80 kilometers north of Nabiondo. This information has been confirmed by several sources."

According to a November 23, 2012 BBC article, M23 was formed when former members of the National Congress for the Defense of the People (CNDP) who had been integrated into the Armed Forces of the Democratic Republic of the Congo (FARDC) began to protest against bad conditions and pay, and lack of full implementation of the March 23, 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC.

M23 has been engaged in active military operations in order to take control of territory in eastern DRC, according to the November 2012 IPIS report. M23 and FARDC fought over control of several towns and villages in eastern DRC on July 24 and July 25, 2012; M23 attacked the FARDC in Rumangabo on July 26, 2012; M23 drove FARDC from Kibumba on November 17, 2012; and M23 took control of Goma on November 20, 2012.

According to the November 2012 Group of Experts report, several ex-M23 combatants claim that M23 leaders summarily executed dozens of children who attempted to escape after being recruited as M23 child soldiers.

According to a September 11, 2012 report by Human Rights Watch (HRW), a Rwandan man, 18, who escaped after being forcibly recruited in Rwanda told HRW that he witnessed the execution of a 16-year old boy from his M23 unit who had tried to flee in June. The boy was captured and beaten to death by M23 fighters in front of the

other recruits. An M23 commander who ordered his killing then allegedly told the other recruits "[h]e wanted to abandon us," as an explanation for why the boy had been killed. The report also states that witnesses claimed that at least 33 new recruits and other M23 fighters were summarily executed when they attempted to flee. Some were tied up and shot in front of other recruits as an example of the punishment they could receive. One young recruit told HRW, "[w]hen we were with M23, they said [we had a choice] and could stay with them or we could die. Lots of people tried to escape. Some were found and then that was immediately their death."

2. Name (last/first): : RUNIGA, Jean-Marie Lugerero.

Date Of Birth (DOB) : Approximately 1960.

Designation Justification :

A July 9, 2012 document signed by M23 leader Sultani Makenga named Runiga as the coordinator of the political wing of M23. According to the document, Runiga's appointment was prompted by the need to ensure the visibility of the M23 cause.

Runiga is named as the 'President' of the M23 in postings on the group's website. His leadership role is corroborated by the November 2012 Group of Experts report, which refers to Runiga as the 'leader of the M23'.

According to a December 13, 2012 Associated Press article, Runiga showed the Associated Press a list of demands that he said will be presented to the Congolese government. Included in the demands are the resignation of Kabila and the dissolution of the national assembly. Runiga indicated that if given the opportunity, M23 could retake Goma. "And at this time we will not retreat," Runiga told the Associated Press. He also indicated that M23's political branch should resume its control of Goma as a precondition to negotiations. "I think our members who are in Kampala represent us. In due time I will be there, too. I am waiting for things to be organized and when Kabila will be there, I will go, too," Runiga said.

According to a November 26, 2012 Le Figaro article, Runiga met with DRC President Kabila on November 24, 2012 to begin discussions. Separately, in an interview with Le Figaro, Runiga stated, "M23 is composed primarily of former FARDC military members who defected to protest the non-respect of the March 23, 2009 accords." He added, "M23's soldiers are deserters from the army who left with their arms in hand. Recently, we recovered a lot of equipment from a

military base in Bunagana. For the moment, this allows us to regain territory each day and to repel all the attacks from the FARDC... Our revolution is Congolese, led by the Congolese, for the Congolese people."

According to a November 22, 2012 Reuters article, Runiga stated that M23 had the capacity to hang on to Goma after M23's forces were bolstered by mutinying Congolese soldiers from the FARDC: "Firstly we have a disciplined army, and also we have the FARDC soldiers who've joined us. They're our brothers, they'll be retrained and recycled then we'll work with them."

According to a November 27, 2012 article published in The Guardian, Runiga indicated that M23 would refuse to obey a call by regional leaders of the International Conference of the Great Lakes to leave Goma in order to pave the way for peace talks. Instead, Runiga stated that M23's withdrawal from Goma would be the result, not a precondition, of negotiation.

According to the 15 November 2012 Final Report of the Group of Experts, Runiga led a delegation that travelled to Kampala, Uganda on July 29, 2012 and finalized the M23 movement's 21-point agenda ahead of anticipated negotiations at the International Conference on the Great Lakes Region.

According to a November 23, 2012 BBC article, M23 was formed when former members of the CNDP who had been integrated into the FARDC began to protest against bad conditions and pay, and lack of full implementation of the March 23, 2009 peace deal between the CNDP and the DRC that led to the CNDP's integration into the FARDC.

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- 3. Name (last/first):** : Forces Democratiques De Liberation Du Rwanda (FDLR).
- Aliases** : Forces Democratiques De Liberation Du Rwanda.
FDLR.
Force Combattante Abacunguzi.
FOCA.
Combatant Force for the Liberation of Rwanda.
- Address** : Fdlr@fmx.de; fldrrse@yahoo.fr;
fdlr@gmx.net;
- Location** : North and South Kivu, DRC.
- Designation/Justification :**

The Forces Democratiques De Liberation Du Rwanda (FDLR) is one of the largest foreign armed groups operating in the territory of the Democratic Republic of the Congo (DRC). The group was formed in 2000, and, as detailed below, has committed serious violations of international law involving the targeting of women and children in armed conflict in the DRC, including killing and maiming, sexual violence, and forced displacement.

According to a 2010 report from Amnesty International on Human Rights in the DRC, the FDLR were responsible for the killings of ninety-six civilians in Busurguni, Walikali territory. Some of the victims were burned alive in their homes.

According to a 2010 report from Amnesty International on Human Rights in the DRC, in June 2010, an NGO medical centre reported around sixty cases a month of girls and women who had been raped in the southern Lubero territory, North-Kivu armed groups including the FDLR.

According to a December 20, 2010 report from Human Rights Watch (HRW), there has been documented evidence of the FDLR actively conducting child recruitment. HRW has identified at least 83 Congolese children under the age of 18, some as young as 14, who have been forcibly recruited by the FDLR.

In January of 2012, HRW reported that FDLR combatants attacked numerous villages in the Masisi territory, killing six civilians, raping two women, and abducting at least 48 people whose whereabouts remain unknown. According to a June 2012 report from HRW, in May 2012 FDLR fighters attacked civilians in Kamananga and Lumenje, in South Kivu province, as well as in Chambucha, Walikale territory, and villages in the Ufumandu area of Masisi territory, North Kivu province. In these attacks, FDLR fighters with machetes and knives hacked to death dozens of civilians, including numerous children.

According to the June 2012 Group of Experts Report, the FDLR attacked several villages in South Kivu from December 31, 2011 to January 4, 2012. A United Nations investigation confirmed that at least 33 persons, including 9 children and 6 women, had been killed, either burned alive, decapitated or shot during the attack. In addition, one woman and one girl had been raped. The June 2012 Group of Experts Report also states that a United Nations investigation confirmed that the FDLR massacred at least 14 civilians, including 5 women and 5 children in South Kivu in May 2012. According to the November 2012 Group of Experts report, the UN documented at least 106 incidents of sexual violence committed by the FDLR between December 2011 and September 2012. The November 2012 Group of Experts report notes that, according to a UN investigation, the FDLR raped seven women in the night of 10 March 2012, including a minor, in Kalinganya, Kabare territory. The FDLR attacked the village again on 10 April 2012 and raped three of the women for the second time. The November 2012 Group of Experts report also reports 11 killings by the FDLR in Bushibwambombo, Kalehe on 6 April 2012, and FDLR involvement in 19 further killings in Masisi territory, including five minors and six women, in May.

4. Name (last/first): : M23.

Designation/Justification :

The Mouvement Du 23 Mars (M23) is an armed group operating in the Democratic Republic of the Congo (DRC) that has been the recipient in the territory of the DRC of arms and related materiel, including advice, training, and assistance related to military activities. Several eyewitness testimonies state that M23 receives general military supplies from the Rwandan Defense Forces (RDF) in the form of weapons and ammunition in addition to materiel support for combat operations.

M23 has been complicit in and responsible for committing serious violations of international law involving the targeting of women and children in situations of armed conflict in the DRC including killing and maiming, sexual violence, abduction, and forced displacement. According to numerous reports, investigations, and testimonies from eyewitnesses, M23 has been responsible for carrying out mass killings of civilians, as well as raping women and children throughout various regions of the DRC. Several reports indicate that M23 fighters have carried out 46 rapes against women and girls, the youngest of which was 8 years old. In addition to reports of sexual violence, M23 has also carried out extensive forced recruitment campaigns of children into the ranks of the group. It is estimated that M23 has carried out the forced recruitment of 146 young men and boys in the Rutshuru territory alone in eastern DRC since July 2012. Some of the victims have been as young as 15 years old.

The atrocities committed by M23 against the civilian population of the DRC, as well as M23's forced recruitment campaign, and being the recipient of arms and military assistance have dramatically contributed to instability and conflict within the region and in some instances, violated international law.

The UNSC Resolution No. 1596 adopted on 18 April 2005 provides that:

The Security Council,

x x x

Reiterating its serious concern regarding the presence of armed groups and militias in the eastern part of the Democratic Republic of the Congo, particularly in the provinces of North and South Kivu, Ituri and the

Orientale Province, which perpetuate a climate of insecurity in the whole region,

x x x

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

1. Reaffirms the measures established by paragraph 20 of resolution 1493, dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, decides that these measure 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;

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.

Similarly, the preamble of the relevant UNSC Resolution 1896 issued on 30 November 2009 provides:

The Security Council,

x x x

*Demanding that all armed groups, in particular the Forces Democratiques de liberation du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately lay down their arms and cease their **attacks against the civilian population**, demanding also that all the parties to the 23 March 2009 Agreements respect the ceasefire and implement their commitments effectively and in good faith.*

Expressing concern about the support received by armed groups operating in the eastern part of the Democratic Republic of the Congo from Regional and international networks.

The foregoing and other relevant UNSC Resolutions seek to assist the DRC against certain groups whose activities involved public armed uprising for political ends, to compel the government to agree on certain demands. These activities include indiscriminate killings of civilians.

The circumstances of the said uprising are similar to Terrorism under Section 3 (b) of the Human Security Act. Similarly, the indiscriminate killings and summary executions of civilians qualify the crime to murder as defined under Paragraph 1, Article 248 of the RPC. Both acts are similar/analogous to the predicate crimes of terrorism and murder pursuant to Section 3(i) 34 of the Anti-Money Laundering Act of 2001 (AMLA), as amended.

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.

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

Rule 13.g.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 BADEGE, Eric; RUNIGA, Jean-Marie Lugerero; Forces Democratiques De Liberation Du Rwanda; and M23 in the List of Individuals and Entities subject to the measures imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005) requires a cooperative act among UN members. Accordingly, as a charter member of the UN, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UN Security Council Resolution.

The Council resolved to:

(1) Inform all covered persons of the addition of BADEGE, Eric; RUNIGA, Jean-Marie Lugerero; Forces Democratiques De Liberation Du Rwanda; and M23 to the List of Individuals and Entities subject to the measures imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005) maintained by United Nations Security Council Committee established pursuant to Resolution 1533 (2004) on the Democratic Republic of Congo;

(2) Direct all covered persons to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving BADEGE, Eric; RUNIGA, Jean-Marie Lugerero; Forces Democratiques De Liberation Du Rwanda; and M23, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution; and

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

23 August 2013, Manila, Philippines.


NESTOR A. ESPINILLA, JR.
Acting Chairman

(Officer-in-Charge, Bangko Sentral ng Pilipinas)


TERESITA J. HERBOSA
Member

(Chairman, Securities and Exchange Commission)


EMMANUEL F. DOOC
Member

(Commissioner, Insurance Commission)