

**BANGKO SENTRAL NG PILIPINAS**

OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2014- 013

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

Subject : Anti-Money Laundering Council (AMLC) Resolution No. 04 dated 22 January 2014

Please be informed that the AMLC, in its Resolution No. 04 dated 22 January 2014 (copy attached), resolved to inform all covered persons of the following updates in the List of Individuals and Entities subject to asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011):

4.	Qadhafi, Aisha Muammar Muhammed Abu Minyar (Listed on 26 February 2011 pursuant to paragraph 15 of resolution 1970; on 17 March 2011 pursuant to paragraph 17 of resolution 1970)	Daughter of Muammar Qadhafi. Closeness of association with regime. <u>Travelled in violation of paragraph 15 of resolution 1970, as described by the Panel of Experts on Libya in its 2013 Interim Report.</u> Daughter of Muammar Qadhafi.	Passport number: 428720 DOB: 1978 POB: Tripoli, Libya a.k.a.: Aisha Muhammed Abdul Salam Passport number: 215215 Believed status/location: Sultanate of Oman
7.	Qadhafi, Mohammed Muammar (Listed on 26 February 2011 pursuant to paragraph 15 of resolution 1970; on 17 March 2011 pursuant to paragraph 17 of resolution 1970)	Son of Muammar Qadhafi. Closeness of association with regime.	DOB: 1970 POB: Tripoli, Libya Believed status/location: <u>Algeria Sultanate of Oman</u>
14.	AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of resolution 1970 and paragraph 19 of resolution 1973)	Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.	DOB: 1952 POB: Al Bayda, Libya Believed status/location: Algeria

For your guidance.


NESTOR A. ESPENILLA, JR.
Deputy Governor

12 February 2014

Att.: a/s



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 04
Series of 2014

In its Memorandum dated 8 January 2014, the AMLC Secretariat (AMLCs) reported to the Council that:

On 16 September 2013, Assistant Secretary Jesus R.S. Domingo, Office of the United Nations and Other International Organizations, Department of Foreign Affairs, furnished the Anti-Money Laundering Council Secretariat (AMLCs) a copy of Note No. SCA/13/13(04) dated 4 September 2013 from the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) on Libya. The Note updates the entries in the List of Individuals and Entities subject to asset freeze.

The details of the update are as follows:

4.	Qadhafi, Aisha Muammar Muhammed Abu Minyar (Listed on 26 February 2011 pursuant to paragraph 15 of resolution 1970; on 17 March 2011 pursuant to paragraph 17 of resolution 1970)	<u>Daughter of Muammar Qadhafi.</u> Closeness of association with regime. <u>Travelled in violation of paragraph 15 of resolution 1970, as described by the Panel of Experts on Libya in its 2013 Interim Report.</u> <u>Daughter of Muammar Qadhafi.</u>	Passport number: 428720 DOB: 1978 POB: Tripoli, Libya a.k.a.: Aisha Muhammed Abdul Salam Passport number: 215215 Believed status/location: Sultanate of Oman
7.	Qadhafi, Mohammed Muammar (Listed on 26 February 2011)	Son of Muammar Qadhafi. Closeness of association with regime.	DOB: 1970 POB: Tripoli, Libya Believed status/location: <u>Algeria Sultanate of Oman</u>

	pursuant to paragraph 15 of resolution 1970; on 17 March 2011 pursuant to paragraph 17 of resolution 1970)		
14.	AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of resolution 1970 and paragraph 19 of resolution 1973)	Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.	DOB: 1952 POB: Al Bayda, Libya Believed status/location: Algeria

Qadhafi, Aisha Muammar Muhammed Abu Minyar and Qadhafi, Mohammed Muammar were subjects of AMLC Resolution No. 39-A dated 3 May 2011 and AMLC Resolution No. 52 dated 23 May 2012, respectively, directing covered institutions to submit directly to the Anti-Money Laundering Council reports on suspicious transactions, if any, that occurred within the past five (5) years from the date of receipt of the Resolution, and informing the covered institutions of the amendment in the entry of Qadhafi, Aisha Muammar Muhammed Abu Minyar and Qadhafi, Mohammed Muammar.

Similarly, AL-BARASSI, Safia Farkash was the subject of AMLC Resolution No. 104 dated 16 September 2011 and AMLC Resolution No 52 dated 23 May 2013, respectively, directing covered institutions to submit directly to the Anti-Money Laundering Council reports on suspicious transactions, if any, that occurred within the past five (5) years from the date of receipt of the Resolution and informing covered institutions of the amendment in the entry of AL-BARASSI, Safia Farkash.

The UNSC Resolution 1970 (2011), adopted on 26 February 2011, provides that:

"The Security Council,

Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians,

x x x

Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

x x x

Asset Freeze

17. Decides that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in Annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;" (emphasis supplied)

UNSC Resolution 1973 (2011), adopted on 17 March 2011, provides that:

"The Security Council,

Recalling its Resolution 1970 (2011) of 26 February 2011,

x x x

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

X X X

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,

X X X

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

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

X X X

Asset Freeze

19. Decides that the asset freeze imposed by paragraph 17, 19, 20 and 21 of Resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;" (emphasis supplied)

UNSC Resolution Nos. 1970 (2011) and 1973 (2011) seek to end violence and use of force against civilians, gross and systematic violation of human rights, including arbitrary detention, enforced disappearance, torture and similar executions amounting to crimes

against humanity. The circumstances thereof are similar/analogous to acts of terrorism which is an unlawful activity under Section 3(i), 13 of R.A. 9160, as amended, also known as the Anti-Money Laundering Act of 2001 (AMLA). The freezing directive, on the other hand, of the Resolutions shows a situation where there is funding of the said acts, making it similar or analogous to a financing of terrorism punishable under the penal laws of other countries. Under Section 3 (i)(14) in relation to Section 3 (34) of R.A. 9160, as amended, an offense of similar nature to terrorism financing that is punishable under the penal laws of other countries is a predicate offense to money laundering.

Rule 13.g.2. of the Revised Implementing Rules and Regulations of the AMLA, 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 as amended, 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, as amended, 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." (emphasis supplied)

Section 7 (7) of the AMLA, as amended, referred to above provides:

"Sec. 7. Creation of the Anti-Money Laundering Council (AMLC). – xxx The AMLC shall act unanimously in the discharge of its functions as defined hereunder:

x x x

(7) to implement such measures as may be necessary and justified under this Act to counteract money laundering;

x x x. (emphasis supplied)

The inclusion of Qadhafi, Aisha Muammar Muhammed Abu Minyar; Qadhafi, Mohammed Muammar; and AL-BARASSI, Safia

Farkash in the List of Individuals and Entities subject to travel ban and asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011) 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 UNSC Resolutions.

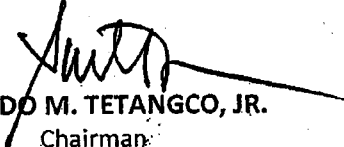
The Council resolved to:

(1) Inform all covered persons of the following updates in the List of Individuals and Entities subject to asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011):

4.	Qadhafi, Aisha Muammar Muhammed Abu Minyar (Listed on 26 February 2011 pursuant to paragraph 15 of resolution 1970; on 17 March 2011 pursuant to paragraph 17 of resolution 1970)	Daughter of Muammar Qadhafi. Closeness of association with regime. <u>Travelled in violation of paragraph 15 of resolution 1970, as described by the Panel of Experts on Libya in its 2013 Interim Report.</u> <u>Daughter of Muammar Qadhafi.</u>	Passport number: 428720 DOB: 1978 POB: Tripoli, Libya a.k.a.: Aisha Muhammed Abdul Salam Passport number: 215215 Believed status/location: Sultanate of Oman
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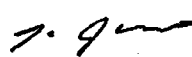
(2) Request the Supervising Authorities to disseminate copies of this Resolution to all covered persons under their respective jurisdictions.

22 January 2014, Manila, Philippines.



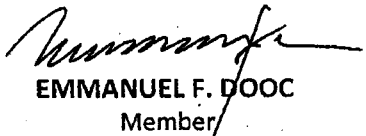
AMANDO M. TETANGCO, JR.

Chairman
(Governor, Bangko Sentral ng Pilipinas)



TERESITA J. HERBOSA

Member
(Chairperson, Securities and Exchange Commission)



EMMANUEL F. DOOC

Member
(Commissioner, Insurance Commission)