



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2010- 035

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

Subject : **Anti-Money Laundering Council (AMLC)
Resolution No. 42 dated 09 June 2010**

Pursuant to Anti-Money Laundering Council Resolution No. 43 dated 09 June 2010 (copy attached), you are hereby informed that on 03 June 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 22 April 2010 the addition of **(1) MOHAMED BELKALEM, and (2) TAYEB NAIL** 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 **(1) MOHAMED BELKALEM, and (2) TAYEB NAIL**.

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

15 June 2010

Att: A/S

PANANALAPING MATATAG, BANSANG PANATAG



Anti-Money Laundering Council
Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 42
Series of 2010

In its Memorandum dated 3 June 2010, the Secretariat reported to the Council that:

On 22 April 2010, the Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of the following two entries to its Consolidated List of individuals subject to the asset 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.

Individuals associated with Al-Qaida

Name: 1: **MOHAMED** 2: **BELKALEM** 3: na 4: na

Name (original script): محمد بلكلام

Date of birth: 19 December 1969

Place of birth: Hussein Dey, Algiers, Algeria

A.k.a.: a) **Abdelali Abou Dher** (عبد العالي ابو ذر)

b) **El Harrachi** (الحراشي)

Nationality: Algerian

Address: Mali

Listed on: 22 April 2010

Other information: Convicted in absentia by Algerian tribunal on 28 March 1996. Algerian international arrest warrant number 03/09 of 6 June 2009 issued by the Tribunal of Sidi Mhamed, Algiers, Algeria. Algerian extradition request number 2307/09 of 3 September 2009, presented to Malian authorities. INTERPOL File No. 19231/2009 of 26 June 2009; Control No. A-1819/6-2009. Father's name is Ali Belkalem. Mother's name is Fatma Saadoudi. Member of The Organization of Al-Qaida in the Islamic Maghreb (Q.E.T.14.01.)

Name: 1: **TAYEB** 2: **NAIL** 3: na 4: na

Name (original script): الطيب نايل

Date of birth: Approximately 1972

Place of birth: Faïdh El Batma, Djelfa, Algeria

A.k.a.: a) **Djaafar Abou Mohamed** (جعفر ابو محمد)

b) **Abou Mouhadjir** (ابو مهاجر)

c) **Mohamed Ould Ahmed Ould Ali**, born in 1976

Nationality: Algerian

Address: Mali

Listed on: 22 April 2010

Other information: Convicted in absentia by Algerian tribunal on 28 March 1996. Algerian international arrest warrant number 04/09 of 6 June 2009 issued by the Tribunal of Sidi Mhamed, Algiers, Algeria. Algerian extradition request number 2307/09 of 3 September 2009, presented to Malian authorities. INTERPOL File No. 19230/2009 of 26 June 2009; Control No. A-1818/6-2009. Father's name was Benazouz Nail. Mother's name is Belkheiri Oum El Kheir. Member of The Organization of Al-Qaida in the Islamic Maghreb (QE.T.14.01.)

The inclusion of **MOHAMED BELKALEM** and **TAYEB NAIL** in the list of the UN Security Council validates their being associated with Al-Qaida, a known terrorist organization.

United Nations Security Council Resolution (UNSCR) 1373 adopted by the Security Council at its 4385th meeting on 28 September 2001 provides:

"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;

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.

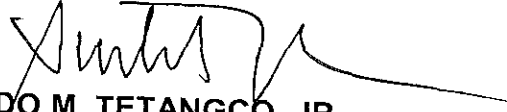
As a charter member of the United Nations and as part of the international coalition against terrorism, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UNSC Resolutions.

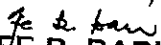
The Council resolved to:

1. Direct all covered institutions to submit to the Anti-Money Laundering Council reports of covered or suspicious transactions, if any, involving **MOHAMED BELKALEM** and **TAYEB NAIL** or any persons acting on their behalf.

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)