



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2009-046

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

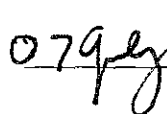
Subject : Anti-Money Laundering Council Resolution No. 65 dated
22 June 2009

The Anti-Money Laundering Council (AMLC), in the exercise of its authority under Section 7(1) of the Anti-Money Laundering Act of 2001, as amended, and Rule 13.7.2 of the Revised Implementing Rules and Regulations, issued Resolution No. 65 dated 22 June 2009 directing all covered institutions to submit to the AMLC reports of covered or suspicious transactions, if any, involving **BEKKAY HARRACH**.

The basis of the AMLC Resolution was the Security Council Al-Qaida and Taliban Sanctions Committee approval on 27 May 2009 of the addition of **BEKKAY HARRACH** to its Consolidated List of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1 of Security Council Resolution 1822 (2008) adopted under Chapter VII of the Charter of the United Nations.

Attached is a copy of AMLC Resolution No. 65 dated 22 June 2009 for your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

079  2009

Att.: A/S

PANANALAPING MATATAG, BANSANG PANATAG



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 65 Series of 2009

In its Memorandum dated 17 June 2009, the AMLC Secretariat (AMLCS) reported to the Council that:

*On 27 May 2009, the Security Council Al-Qaida and Taliban Sanctions Committee¹ approved the addition of **BEKKAY HARRACH** to its Consolidated List of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1² of Security Council Resolution 1822 (2008) adopted under Chapter VII of the Charter of the United Nations.*

The details of the addition approved by the United Nations Security Council Al-Qaida and Taliban Sanctions Committee on 27 May 2009 are as follows:

Name : **BEKKAY HARRACH;**
DOB : 4 Sep. 1977;

¹ Security Council, SC/9667

² 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, undertakings, and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the "Consolidated List"):

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory:

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified:

(c) Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.

POB : Berkane, Morocco;
A.k.a. : Abu Talha al Maghrabi; al Hafidh Abu Talha der; Deutsche ("the German");
Nationality : German;
Passport No. : German passport number 5208116575 issued in Bonn valid until 7 Sep. 2013;
National ID No. : German national identity card number (Bundespersonalausweis Nr.) 5209243072, issued in Bonn, Germany, valid until 7 Sep. 2013; and German driving licence number J17001W6Z12, issued in Bonn, Germany

Listed on : 27 May 2009;
Other information : Believed to be in the Afghanistan/Pakistan border area (as at Apr. 2009). Member of Al-Qaida (QE.A.4.01.), reportedly since at least March 2007.

In accordance with Section 6, paragraph (g) of the Committee's Guidelines for the Conduct of its Work, the publicly releasable portion of the statement of case detailing the bases for listing of the above-mentioned individual, as provided by the designating State(s), is included herewith (statement of case in *italic*).

"With the help of a person who has been charged by a German court with smuggling humans for Al Qaeda, Bekkay HARRACH left Germany in January 2007 to travel to an Al Qaeda training camp in the Afghan-Pakistani border region. If he had not already joined Al Qaeda, he did so there and expressed his willingness to take part in military training in order to fight on behalf of Al Qaeda.

In January 2009 at the latest, HARRACH provided the German narration for a video entitled "Das Rettungspaket für Deutschland" (The rescue package for Germany), which was produced by Al Qaeda's media agency As-Sahab, in this way disseminating Al Qaeda's demands and message to the German people. This video, produced with HARRACH's assistance, was secured on the al-fallujah website, known for distributing Islamist content, on 17 January 2009 and later found in several Internet forums.

In the video, HARRACH discusses Germany's social, economic and political situation. He announces that the German troops in Afghanistan should expect to be attacked by Al Qaeda and their allies, the Taliban, and links this announcement to an appeal to the German population to make the right choice in the 2009 Bundestag elections. He also states that the Mujahedin are not interested in a conflict with Germany, but that Germany would not be spared if it did not stay away from "evil". From the context, it is apparent that with "evil", he is referring to Germany's role in the fight against international terrorism in general and its contribution to the coalition troops in Afghanistan in particular.

In another Internet video distributed via the Al Qaeda media office on 26 February 2009 entitled "Der Islam und die Finanzkrise" (Islam and the financial crisis), HARRACH presents his view of the causes and effects of the global finance and economic crisis. He calls it a punishment by God and says the only way to solve it is by introducing a social order based on the Koran and Sharia law. In the video, Harrach says that future statements will be forthcoming via As-Sahab.

According to investigations by the Federal Public Prosecutor, there is good reason to believe that HARRACH has been a member of the foreign terrorist organization Al Qaeda since March 2007. The threats he has distributed via the Al Qaeda media office demonstrate his willingness as a member of Al Qaeda to participate in its terrorist activity all the way to suicide attacks."

The inclusion of **BEKKAY HARRACH** in the list of the UN Security Council validates his being associated with terrorists.

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

"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 **BEKKAY HARRACH**; and

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

22__ June 2009, Manila, Philippines.



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



FE B. BARIN

Member
(Chairman, Securities and Exchange Commission)



EDUARDO T. MALINIS

Member
(Commissioner, Insurance Commission)