



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2012-091

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

Subject : **Circular Letter – Anti-Money Laundering Council (AMLC) Resolution No. 104 dated 14 November 2012**

Pursuant to Anti-Money Laundering Council (AMLC) Resolution No. 104 dated 14 November 2012 (copy attached), you are hereby informed that on 21 June 2012, the United Nations Security Council (UNSC) Al-Qaida Sanctions Committee approved the removal of name of **CHABAANE BEN MOHAMED BEN MOHAMED AL-TRABELSI** to its Al-Qaida Sanctions List of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in the paragraph 1 of UNSC Resolution 1989 (2011).

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

17 December 2012

Att: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 104 Series of 2012

In its Memorandum dated 7 November 2012, the AMLC Secretariat (AMLCS) reported to the Council that:

On 21 June 2012, the United Nations Security Council (UNSC) Committee ("Al-Qaida Sanctions Committee") established pursuant to Resolution 1267 (1999) removed two entries in the Al-Qaida Sanctions List¹. The removal was made after concluding the consideration by the said Committee of the delisting requests submitted through the Ombudsperson, and after considering the Comprehensive Reports of the latter on the said requests. Accordingly, the asset freeze, among others, set out in paragraph 1² of UNSC Resolution 1989 (2011) no longer apply to the persons subject thereof.

¹ On 17 June 2011, the Security Council unanimously adopted Resolutions 1988 (2011) and 1989 (2011). By these Resolutions, the Security Council decided to split the Al-Qaida and Taliban sanctions regime or Consolidated List. Resolution 1988 (2011) provides that those previously designated as the Taliban, and other individuals, groups, undertakings and entities associated with them, whose names were inscribed in the Consolidated List shall no longer be a part thereof, but shall henceforth be on the List established pursuant to Resolution 1988 (2011) called "1988 List". Resolution 1989 (2011), on the other hand, provides that the Consolidated List shall henceforth be known as the "Al-Qaida Sanctions List" and include only names of individuals, groups, undertakings and entities associated with Al-Qaida. Accordingly, the Committee tasked to maintain and update it may now be referred as "The Al-Qaida Sanctions Committee".

² 1. *Decides* that all States shall take the measures as previously imposed by paragraph 8 (c) of Resolution 1333 (2000), and paragraphs 1 and 2 of Resolution 1390 (2002), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them, including those referred to in section C ("Individuals associated with Al-Qaida") and section D ("Entities and other groups and undertakings associated with Al-Qaida") of the Consolidated List established pursuant to Resolutions 1267 (1999) and 1333 (2000), as well as those designated after the date of adoption of this Resolution, xxx):

- (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, by their nationals or by persons within their territory;

The details of one of the entries removed are as follows:

Removed from Section A. Individuals associated with Al-Qaida

Name : 1: CHABAANE 2: BEN MOHAMED 3: BEN MOHAMED 4: AL-TRABELSI
Name (original script) : شبعان بن محمد بن محمد الطرابلسي
Date of Birth : 1 May 1966
Place of Birth : Manzal Tmim, Nabal, Tunisia
Good quality a.k.a. : Chabaane Ben Mohamed Trabelsi
Nationality : Tunisian
Passport no. : Tunisian passport number L945660, issued on 4 Dec. 1998, expired on 3 Dec. 2001
Address : Number 2, Via Salvo D'Acquisto, Varese, Italy (as at Dec. 2009)
Listed on : 23 Jun. 2004 (amended on 20 Dec. 2005, 17 Oct. 2007, 9 Sep. 2010, 13 Dec. 2011)
Other information : Italian Fiscal Code: TRB CBN 66E01 Z3520. Resided in Italy as at Dec. 2009. Mother's name is Um al-Khayr al-Wafi. Review pursuant to Security Council resolution 1822 (2008) was concluded on 21 Jul. 2010.

CHABAANE BEN MOHAMED BEN MOHAMED AL-TRABELSI was the subject of AMLC Resolution No. 108 dated 17 November 2010 directing covered institutions to submit suspicious transactions, if any, including all transactions that occurred within the past five (5) years counting from the date of receipt of the Resolution.

The 2012 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, 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.

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) Inform all covered institutions of the removal of the name of **CHABAANE BEN MOHAMED BEN MOHAMED AL-TRABELSI** from the Al-Qaida Sanctions List of Individuals and Entities Subject to Assets Freeze, Travel Ban and Arms Embargo; and
- (2) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

14 November 2012, Manila, Philippines.



NESTOR A. ESPENILLA, JR.

Acting Chairman

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



TERESITA J. HERBOSA

Member

(Chairperson, Securities and Exchange Commission)



EMMANUEL F. DOOC

Member

(Commissioner, Insurance Commission)