



BANGKO SENTRAL NG PILIPINAS

**OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR**

CIRCULAR LETTER NO. CL-2012- 027

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

Subject : Anti-Money Laundering Council (AMLC) Resolution No. 26 dated 14 March 2012

Pursuant to Anti-Money Laundering Council Resolution No. 26 dated 14 March 2012 (copy attached), you are hereby informed that on 28 November 2011, the United Nations Security Council (UNSC) Committee approved the addition of ***SHEKA, NTABO NTABERI*** to the List of Individuals and Entities subject to the measures imposed by paragraphs 13 and 15 of UNSC Resolution No. 1596 (2005), as renewed by paragraph 3 of the UNSC Resolution No. 1952 (2010).

Accordingly, all BSP covered institutions are directed to submit to the AMLC reports on suspicious transactions, if any, involving ***SHEKA, Ntabo Ntaberi*** including all transactions that occurred within the past five (5) years counting from the date of receipt of the Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

17 April 2012

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 26
Series of 2012

In its Memorandum dated 21 February 2012, the AMLC Secretariat (AMLCS) reported to the Council that:

On 28 November 2011, the United Nations (UN) Security Council Committee, established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo¹, added the following individual to the List of Individuals and Entities subject to the measures imposed by paragraphs 13 and 15 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010). The details of the individual added in the List are as follows:

Name (last/first):	: SHEKA, Ntabo Ntaberi;
Date Of Birth (DOB)	: 4 April 1976;
Place Of Birth (POB)	: Walikale Territory, Democratic Republic of the Congo.
Passport/Identifying information	: <u>Title:</u> Commander-in-Chief, Nduma Defence of Congo, Mayi Mayi Sheka Group; <u>Nationality:</u> Congolese.
Designation Justification	: Ntabo Ntabheri Sheka, Commander-in-Chief of the political branch of the Mayi Mayi Sheka, is the political leader of a Congolese armed group that impedes the disarmament, demobilization, or reintegration of combatants. The Mayi Mayi Sheka is a Congo-based militia group that operates from bases in Walikale territory in eastern Democratic Republic of the Congo.

¹ Created pursuant to the UN Security Council (UNSC) Resolution No. 1533 (2004) and tasked to, among others, implement and monitor compliance with Paragraph 20 of UNSC Resolution No. 1493, which demands all states to take necessary measures to prevent the supply of arms and any related materiel or assistance 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.

The Mayi Mayi Sheka group has carried out attacks on mines in eastern Democratic Republic of the Congo, including taking over the Bisiye mines and extorting from locals.

Ntabo Ntaberi Sheka has also committed serious violations of international law involving the targeting of children. Ntabo Ntaberi Sheka planned and ordered a series of attacks in Walikale territory from 30 July to 2 August, 2010, to punish local populations accused of collaborating with Congolese Government forces. In the course of the attacks, children were raped and were abducted, subjected to forced labour and subjected to cruel, inhumane or degrading treatment. The Mayi Mayi Sheka militia group also forcibly recruits boys and holds children in their ranks from recruitment drives.

The UN Security Council Resolution No. 1596 adopted on 18 April 2005 provides that:

"The Security Council,

x x x

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

x x x

1. *Reaffirms* the measures established by paragraph 20 of resolution 1493², dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, *decides* that these measures 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;

² 20. *Decides* that all states, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo;

x x x

13. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all the States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

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."

Section 7(6) 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 13.7.2. 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."

The inclusion of SHEKA, Ntabo Ntaberi in the List of Individuals and Entities subject to the measures imposed by paragraphs 13 and 15 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010), 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 UN Security Council Resolutions.

The Council resolved to:

(1) Direct all covered institutions to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving SHEKA, Ntabo Ntaberi, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution; and

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

14 March 2012, Manila, Philippines.



AMANDO M. TETANGCO, JR.
Chairman

(Governor, Bangko Sentral ng Pilipinas)



TERESITA J. HERBOSA
Member

(Chairman, Securities and Exchange Commission)



EMMANUEL F. DOOC
Member

(Commissioner, Insurance Commission)