



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2010- 058

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

Subject : Anti-Money Laundering Council (AMLC)
Resolution No. 83 dated 01 September 2010

Pursuant to Anti-Money Laundering Council Resolution No. 83 dated 01 September 2010 (copy attached), you are hereby informed that on 09 August 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 06 August 2010 the addition of (1) **MOHAMMAD ILYAS KASHMIRI**, (2) **HARAKAT-UL JIHAD ISLAMI**, (3) **LIONEL DUMONT**, (4) **KHALIL BEN AHMED BEN MOHAMED JARRAYA**, and (5) **NEDAL MAHMOUD SALEH** 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) **MOHAMMAD ILYAS KASHMIRI**, (2) **HARAKAT-UL JIHAD ISLAMI**, (3) **LIONEL DUMONT**, (4) **KHALIL BEN AHMED BEN MOHAMED JARRAYA**, and (5) **NEDAL MAHMOUD SALEH**.

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 September 2010

Att: A/S

PANANALAPING MATATAG, BANSANG PANATAG



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 83 Series of 2010

In its Memorandum dated 9 August 2010, the AMLC Secretariat (AMLCS) reported to the Council that:

On 6 August 2010, the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of two entries to its Consolidated List ("Consolidated List") of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1¹ of Security Council Resolution 1904 (2009) adopted under Chapter VII of the Charter of the United Nations. The details of entries added in the list are as follows:

C. Individuals associated with Al-Qaida

Name	: 1: MOHAMMAD 2: ILYAS 3: KASHMIRI 4: na
Name (original script)	: محمد الیاس کشمیری
Title	: Mufti
Designation	: na
Date Of Birth	: a) 2 Jan. 1964 b) 10 Feb. 1964
Place Of Birth	: Bhimber, Samahani Valley, Pakistan-administered Kashmir
Good quality a.k.a.	: Muhammad Ilyas Kashmiri
Low quality a.k.a.	: a) Elias al-Kashmiri b) Ilyas, Naib Amir
Address	: Thathi Village, Samahni, Bhimber District, Pakistan-administered Kashmir
Listed on	: 6 Aug. 2010
Other information	: Mohammad Ilyas Kashmiri is the commander of Harakat-ul Jihad Islami

¹ 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, undertaking and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) ("the Consolidated List").

(QE.H.130.10.) and provides support to Al-Qaida (QE.A.4.01) operations. This individual has two titles: a) Mufti b) Maulana

D. Entities and other groups and undertakings associated with Al-Qaida

Name : HAKAKAT-UL JIHAD ISLAMI
Name (original script) : حرکۃ الجہاد الاسلامی
A.k.a. : a) HUJI b) Movement of Islamic Holy War c) Harkat-ul-Jihad-al Islami d) Harkat-al-Jihad-ul Islami e) Harkat-ul-Jehad-al-Islami f) Harakat ul Jihad-e-Islami
F.k.a. : a) Harakat-ul-Ansar b) HUA
Listed on : 6 Aug. 2010
Other information : Was established in Afghanistan in 1980. In 1993, Harakat-ul Jihad Islami merged with Harakat ul-Mujahidin to form Harakat ul-Ansar. In 1997, Harakat-ul Jihad Islami split from Harakat ul-Ansar and resumed using its former name. Operations are in India, Pakistan and Afghanistan.

On 6 August 2010, the Committee also approved the changes of entries to its Consolidated List. The details of the changes are as follows:

C. Individuals associated with Al-Qaida

Name : 1: LIONEL 2: DUMONT 3: na 4: na
Date Of Birth : 21 Jan. 1971-
Place Of Birth : Roubaix, France
Good quality a.k.a. : a) Jacques Brougere b) Abu Hamza c) Di Karlo Antonio d) Merlin Oliver Christian Rene e) Arfauni Imad Ben Yousset Hamza f) Imam Ben Yussuf Arfaj g) Abou Hamza h) Arfauni Imad
Low quality a.k.a. : a) Bilal b) Hamza c) Koumkal d) Kumkal e) Merlin f) Tinet g) Brugere h) Dimon
Nationality : French
Address : France -
Listed on : 25 Jun. 2003 (amended on 22 Nov. 2004, 26 Nov. 2004, 2 Jul. 2007, 17 Oct.

Other information : 2007, 24 Mar. 2009, 6 Aug. 2010)
: In custody in France as of May 2004.
: Sentenced to 25 years imprisonment in France in 2007. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

Name : 1: KHALIL 2: BEN AHMED 3: BEN MOHAMED 4: JARRAYA

Name (original script): : خليل بن احمد بن محمد جرایة

Date Of Birth : 8 Feb. 1969

Place Of Birth : Sfax, Tunisia

Good quality a.k.a. : a) Khalil Yarraya b) Ben Narvan Abdel Aziz, born 15 Aug. 1970 in Sereka, former Yugoslavia c) Abdel Aziz Ben Narvan, born 15 Aug. 1970 in Sereka, former Yugoslavia

Low quality a.k.a. : a) Amro b) Omar c) Amrou d) Amr

Nationality : Tunisian

Passport No. : Tunisian passport number K989895, issued on 26 Jul. 1995 in Genoa, Italy, expired on 25 Jul. 2000

Address Listed on : Nuoro, Italy
: 25 Jun. 2003 (amended on 26 Nov. 2004, 20 Dec. 2005, 17 Oct. 2007, 16 Sep. 2008, 24 Mar. 2009, 10 Aug. 2009, 6 Aug. 2010)

Other information : Detained in Italy since 9 Aug. 2008 for his implication in a case related to terrorism. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

Name : 1: NEDAL 2: MAHMOUD 3: SALEH 4: na

Name (original script): : نضال محمود صالح

Date Of Birth : 26 Mar. 1972

Place Of Birth : Tunisia

Good quality a.k.a. : a) Nedal Mahmoud N. Saleh b) Salah Nedal c) Tarek Naser

Low quality a.k.a. : a) Hitem b) Hasim

Nationality : Tunisian

Passport No. : na
Address : Manchester, United Kingdom
Listed on : 25 Jun. 2003 (amended on 26 Nov. 2004, 25 Jul. 2006, 17 Oct. 2007, 16 Sep. 2008, 24 Mar. 2009, 6 Aug. 2010)
Other information : Review pursuant to Security Council resolution 1822 (2008) was concluded on 7 Jul. 2010.

While LIONEL DUMONT, KHALIL BEN AHMED BEN MOHAMED JARRAYA and NEDAL MAHMOUD SALEH have earlier been included in the Consolidated List, they have not been covered by previous resolutions issued by the AMLC. The inclusion of MOHAMMAD ILYAS KASHMIRI, HAKKAT-UL JIHAD ISLAMI, LIONEL DUMONT, KHALIL BEN AHMED BEN MOHAMED JARRAYA and NEDAL MAHMOUD SALEH in the Consolidated List of the United Nations Security Council validates their being associated with Al-Qaida, a known terrorist organization.

The United Nations Security Council Resolution (UNSCR) 1373 adopted on 28 September 2001 provides that:

"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;

x x x"

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.

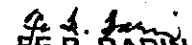
The Council resolved to:

(1) Direct all covered institutions to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving MOHAMMAD ILYAS KASHMIRI, HAKKAT-UL JIHAD ISLAMI, LIONEL DUMONT, KHALIL BEN AHMED BEN MOHAMED JARRAYA, NEDAL MAHMOUD SALEH, 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.

01 September 2010, Manila, Philippines.


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


DE B. BARIN
Member
(Chairman, Securities and Exchange Commission)


VIDA T. CHIONG
Acting Member
(Officer-in-Charge, Insurance Commission)