



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE DEPUTY GOVERNOR
Supervision and Examination Sector

CIRCULAR LETTER NO. CL-2011 005

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

Subject : **Circular Letter – Anti-Money Laundering Council (AMLC) Resolution No. 112 dated 08 December 2010**

Pursuant to Anti-Money Laundering Council Resolution No. 112 dated 08 December 2010 (copy attached), you are hereby informed that on 30 November 2010, the United Nations (UN) Security Council Al-Qaida and Taliban Sanctions (SCAQTS) Committee approved the amendments to the entries of **(1) MONDHER BEN MOHSEN BEN ALI AL-BAAZAOUI and (2) ZELIMKHAN AHMEDOVICH YANDARBIEV** in the 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 the United Nations.

Under the same resolution, all covered institutions are likewise directed to submit to the AMLC reports on suspicious transactions, if any, involving **(1) MONDHER BEN MOHSEN BEN ALI AL-BAAZAOUI and (2) ZELIMKHAN AHMEDOVICH YANDARBIEV**, including all transactions that occurred within the past five (5) years from the date of receipt of the Resolution.

For your guidance and strict implementation.


JOHNNY NOE E. RAVALO
Sector-In-Charge

18 January 2011

Att: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 112 Series of 2010

In its Memorandum dated 3 December 2010, the AMLC Secretariat (AMLCS) reported to the Council that:

On 30 November 2010, the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the amendments of two entries in 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 the amendments are as follows:

C. Individuals associated with Al-Qaida

Name	: 1: MONDHER 2: BEN MOHSEN 3: BEN ALI 4: AL-BAAZAOUJ
Name (original script)	: المنذر بن محسن بن علي البعزاوي
Date Of Birth	: 18 Mar. 1967
Place Of Birth	: Kairouan, Tunisia
Good quality a.k.a.	: <u>a) Manza Mondher, born 18 Aug. 1968 in Tunisia b) Hanza Mondher, born 18 Aug. 1968 in Tunisia c) Al Yamani Noman, born 28 May 1961 in Yemen</u>
Low quality a.k.a.	: <u>a) Hamza b) Abdellah</u>
Nationality	: Tunisian
Passport no.	: Tunisian passport number K602878, issued on 5 Nov. 1993, expired on 9 June 2001
Address	: <u>17 Boulevard Soustre, 04000 Digne-les-Bains, France</u>
Listed on	: 25 Jun. 2003 (amended on 20 Dec.

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").

2005, 17 Oct. 2007, 10 Aug. 2009)

Other information : Extradited from Italy to France on 4 Sep. 2003. Review pursuant to Security Council resolution 1822 (2008) was concluded on 15 Jun. 2010.

Name : 1: ZELIMKHAN 2: AHMEDOVICH 3: YANDARBIEV 4: na

Name (original script) : Яндарбиев Зелимхан Ахмедович (Абдулмуслимович)

Date Of Birth : 12 Sep. 1952

Place Of Birth : Vydrikha Village, Shemonaikhinskiy (former Verkhubinskiy) District, Eastern Kazakhstan Region, Soviet Socialist Republic of Kazakhstan, USSR

Low quality a.k.a. : a) Hussin Mohamed Dli Tamimi
b) Abdul-Muslimovich

Nationality : Russian

Passport no. : a) Russian passport 43 No. 1600453
b) Russian Foreign passport number 535884942 c) Russian Foreign passport number 35388849

Address : Derzhavina Street Number 281, apartment 59, Grozny City, Chechen Republic, Russian Federation

Listed on : 25 Jun. 2003 (amended on 25 Jul. 2006)

Other information : Confirmed to have died in Doha, Qatar on 13 Feb. 2004. Review pursuant to Security Council resolution 1822 (2008) was concluded on 16 Mar. 2010.

MONDHER BEN MOHSEN BEN ALI AL-BAAZAOU and ZELIMKHAN AHMEDOVICH YANDARBIEV are not included in the previous resolutions issued by the AMLC.

The inclusion of MONDHER BEN MOHSEN BEN ALI AL-BAAZAOU and ZELIMKHAN AHMEDOVICH YANDARBIEV in the list of the UN Security Council validates their being associated with the 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 *MONDHER BEN MOHSEN BEN ALI AL-BAAZAOU* and *ZELIMKHAN AHMEDOVICH YANDARBIEV*, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution;
- (2) Authorize the AMLC Secretariat to file, through the Office of the Solicitor General (OSG), a petition to freeze the bank account/s and other assets, if any, of the aforementioned individuals and;
- (3) Authorize the Executive Director, or in his absence, the Officer-in-Charge of the AMLC Secretariat, to sign the Verification and Certification of the Petition, and all other pleadings, initiatory or otherwise, related to the foregoing case; and
- (4) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

08 December 2010, Manila, Philippines.



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



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



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