



BANGKO SENTRAL NG PILIPINAS

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

CIRCULAR LETTER NO. CL-2012- 038

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

Subject : Anti-Money Laundering Council (AMLC) Resolution No. 38 dated 4 April 2012

Pursuant to Anti-Money Laundering Council Resolution No. 38 dated 4 April 2012 (copy attached), you are hereby informed that on 24 February 2012, the Executive Director Marian Jocelyn R. Tirol-Ignacio of the Office of United Nations and other International Organizations, Department of Foreign Affairs, furnished the AMLCS a copy of Note No. SCA/13/12(01) (Note) of the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) concerning Libya. The Note contains information about the addition of **AL-BARASSI, Safia Farkash** in the List of Individuals and Entities subject to asset freeze.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

13 June 2012

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 38
Series of 2012

In its Memorandum dated 26 March 2012, the AMLC Secretariat (AMLCS) reported to the Council that:

On 24 February 2012, Executive Director Marian Jocelyn R. Tirol-Ignacio of the Office of United Nations and other International Organizations, Department of Foreign Affairs furnished the AMLCS a copy of Note No. SCA/13/12(01) (Note) of the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) concerning Libya. The Note contains information about the amendment in an entry in the List of Individuals and Entities (List) subject to asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011).

The detail of the amendment is as follows:

	Name	Justification	Identifiers
14.	AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of Resolution 1970 and paragraph 19 of Resolution 1973)	Married to Muamar QADHAFI since 1970. Owner of Buraq Air (airline company) headquartered in the Mittiga International Airport in Tripoli. Farkash operates the company with the approval of her husband. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.	DOB: 1952 POB: Al Bayda, Libya

AL-BARASSI, Safia Farkash was the subject of AMLC Resolution No. 104 dated 16 September 2011 informing covered institutions of the addition of AL-BARASSI, Safia Farkash in the List, and directing

them to submit to the AMLC reports on suspicious transactions, if any, involving the said individual.

The UNSC Resolution 1970 (2011), adopted on 26 February 2011, as well as UNSC Resolution 1973 (2011) adopted on 17 March 2011, provide that:

"The Security Council,

Expressing grave concern at the situation in the Libyan Arab Jamahiriya and condemning the violence and use of force against civilians,

x x x

"Acting under Chapter VII of the Charter of the United Nations, and taking measures under its Article 41,

x x x

"17. Decides that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in Annex II of this resolution or designated by the Committee established pursuant to paragraph 24 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and decides further that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;"

"The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

x x x

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

x x x

19. Decides that the asset freeze imposed by paragraph 17, 19, 20 and 21 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan

authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and decides further that all States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the Libyan authorities, as designated by the Committee, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution and as appropriate thereafter;"

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."

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."

The inclusion of the aforementioned individual in the List 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 UNSC Resolutions.

The Council resolved to:

(1) Inform all covered institutions of the amendment in the entry on AL-BARASSI, Safia Farkash, included in the List of Individuals and Entities subject to asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011) with the following details:

Name	Justification	Identifiers
AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of Resolution 1970 and paragraph 19 of Resolution 1973)	Married to Muamar QADHAFI since 1970. Owner of Buraq Air (airline company) headquartered in the Mittiga International Airport in Tripoli. Farkash operates the company with the approval of her husband. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.	DOB: 1952 POB: Al Bayda, Libya

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

04 April 2012, Manila, Philippines.


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


TERESITA J. HERBOSA
Member
(Chairperson, Securities and Exchange Commission)


EMMANUEL F. DOOC
Member
(Commissioner, Insurance Commission)