



BANGKO SENTRAL NG PILIPINAS

OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2012-040

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

Subject : **Anti-Money Laundering Council (AMLC) Resolution No. 52 dated 23 May 2012**

Pursuant to Anti-Money Laundering Council Resolution No. 52 dated 23 May 2012 (copy attached), you are hereby informed that on 26 March 2012, Assistant Secretary Eduardo Martin R. Menez of the Office of United Nations and Other International Organizations, Department of Foreign Affairs furnished the Anti-Money Laundering Council Secretariat (AMLC) a copy of Note No. SCA/13/12 (03) dated 14 March 2012 of the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) on Libya which adds the following individuals to the List of Individuals and Entities ("List") subject to travel ban and/or asset freeze: QADHAFI, Saadi, JABIR, Major General Abu Bakr Yunis; QADHAFI, Aisha Muammar, QADHAFI, Hannibal Muammar; QADHAFI, Khamis Muammar; QADHAFI, Mohammed Muammar; QADHAFI, Muammar Mohammed Abu Minyar, QADHAFI, Mutassim, QADHAFI, Saif al-Arab; QADHAFI, Saif al-Islam; and MATUQ, Matuq Mohammed.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

14 June 2012

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 52
Series of 2012

In its Memorandum dated 16 May 2012, the AMLC Secretariat (AMLCS) reported to the Council that:

On 26 March 2012, Assistant Secretary Eduardo Martin R. Meñez of the Office of United Nations and Other International Organizations, Department of Foreign Affairs furnished the Anti-Money Laundering Council Secretariat (AMLCS) a copy of Note No. SCA/13/12(03) dated 14 March 2012 of the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) on Libya. The Note contains information about amendments on an entry in the List of Individuals and Entities ("List") subject to travel ban and/or asset freeze.

The details of the amendments are as follows:

10.	Qadhafi, Saadi (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	Passport number: <u>a) 014797</u> <u>b) 524521</u> DOB: <u>a) 27 May</u> <u>1973</u> <u>b) 01 January</u> <u>1975</u> POB: Tripoli, Libya
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Similarly, on 19 April 2012, Officer-in-Charge Antonio A. Morales of the Office of the Undersecretary for Special and Ocean Concerns, Department of Foreign Affairs, in a letter addressed to Honorable Amando M. Tetangco, Jr. furnished the AMLCS a copy of a Note Verbale (Ref: SCA/13/12(05) dated 2 April 2012 of the Chair of the UNSC Committee established pursuant to Resolution 1970 (2011). The Note pertains to the updates in the List, the details of those subject to asset freeze are as follows:

	Name	Justification	Identifiers
2.	Jabir, Major General Abu Bakr Yunis (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Position: Defence Minister. Overall responsibility for actions of armed forces.	Title: Major General DOB: 1952 POB: Jalo, Libya <u>Believed</u> <u>status/location:</u> <u>deceased</u>
3.	Matuq, Matuq Mohammed (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Position: Secretary for Utilities. Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and violence.	DOB: 1956 POB: Khoms, Libya <u>Believed</u> <u>status/location:</u> <u>Unknown,</u> <u>believed</u> <u>captured</u>
4.	Qadhafi, Aisha Muammar (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Daughter of Muammar Qadhafi. Closeness of association with regime.	DOB: 1978 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>Algeria</u>
5.	Qadhafi, Hannibal Muammar (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Son of Muammar Qadhafi. Closeness of association with regime.	Passport number: B/002210 DOB: 20 September 1975 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>Algeria</u>
6.	Qadhafi, Khamis Muammar (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.	DOB: 1978 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>deceased</u>

7.	Qadhafi, Mohammed Muammar (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Son of Muammar Qadhafi. Closeness of association with regime	DOB: 1970 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>Algeria</u>
8.	Qadhafi, Muammar Mohammed Abu Minyar (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Leader of the Revolution, Supreme Commander of Armed Forces. Responsibility for ordering repression of demonstrations, human rights abuses.	DOB: 1942. POB: Sirte, Libya <u>Believed</u> <u>status/location:</u> <u>deceased</u>
9.	Qadhafi, Mutassim (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	National Security Adviser. Son of Muammar Qadhafi. Closeness of association with regime.	DOB: 1976. POB: Tripoli, Libya. <u>Believed</u> <u>status/location:</u> <u>deceased</u>
10.	Qadhafi, Saadi (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	Passport number: a) 014797 b) 524521 DOB: a) 27 May 1973 b) 01 January 1975 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>Niger</u>
11.	Qadhafi, Saif al-Arab (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Son of Muammar Qadhafi. Closeness of association with regime	DOB: 1982 POB: Tripoli, Libya <u>Believed</u> <u>status/location:</u> <u>deceased</u>

12.	<i>Qadhafi, Saif al-Islam (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)</i>	<i>Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.</i>	<i>Passport number: B014995 DOB: 25 June 1972 POB: Tripoli, Libya <u>Believed status/location: in custody in Libya</u></i>
14.	<i>AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of Resolution 1970 and paragraph 19 of Resolution 1973)</i>	<i>Married to Muammar QADHAFI since 1970. Significant personal wealth, which could be used for regime purposes. Her sister Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.</i>	<i>DOB: 1952 POB: Al Bayda, Libya <u>Believed status/location: Algeria</u></i>

On 3 May 2011, the AMLC issued Resolution No. 39-A relative to the inclusion in the List of Qadhafi, Saadi; Jabir, Major General Abu Bakr Yunis; Qadhafi, Aisha Muammar; Qadhafi, Hannibal Muammar; Qadhafi, Khamis Muammar; Qadhafi, Mohammed Muammar; Qadhafi, Muammar Mohammed Abu Minyar; Qadhafi, Mutassim; Qadhafi, Saadi; Qadhafi, Saif al-Arab; and Qadhafi, Saif al-Islam. Similarly, on 16 September 2011, the AMLC issued Resolution No. 104 on the inclusion of AL-BARASSI, Safia Farkash in the List. Both Resolutions informed covered institutions of the said inclusion and direct them to submit to the AMLC reports on suspicious transactions, if any, involving the said individuals.

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, 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 the aforementioned individuals 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 following updates 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):

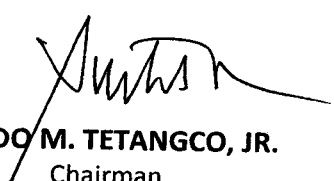
Name	Justification	Identifiers
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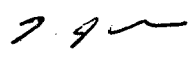
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Qadhafi, Saif al-Islam (Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)	Director, Qadhafi Foundation. Son of Muammar Qadhafi. Closeness of association with regime. Inflammatory public statements encouraging violence against demonstrators.	Passport number: B014995 DOB: 25 June 1972 POB: Tripoli, Libya <u>Believed status/location: in custody in Libya</u>
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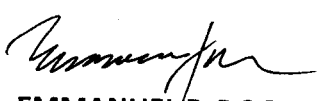
(2) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

23 May 2012, Manila, Philippines.


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


TERESITA J. HERBOSA
Member

(Chairperson, Securities and Exchange Commission) (Commissioner, Insurance Commission)


EMMANUEL F. DOOC
Member