

**BANGKO SENTRAL NG PILIPINAS**

OFFICE OF THE DEPUTY GOVERNOR
SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2013 045

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

Subject : Circular Letter – Anti-Money Laundering Council (AMLC) Resolution No. 64 dated 24 July 2013

Pursuant to Anti-Money Laundering Council (AMLC) Resolution No. 64 dated 24 July 2013 (copy attached), you are hereby informed that on 3 April 2013, Assistant Secretary Eduardo Martin R. Menez of the Office of United Nations and Other International Organization, Department of Foreign Affairs furnished a Note of the Chairperson of the United Nations Security Council (UNSC) on update of entry to its List of Individuals and Entities Subject to the Asset Freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011).

<i>Al-Senussi, Colonel Abdullah (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>Position: Director Military Intelligence. Military Intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in-law of Muammar Qadhafi</i>	<i>Title: Colonel DOB: 1949 POB: Sudan <u>a.k.a: Ould Ahmed, Abdoullah</u> <u>Passport number: B0515260</u> <u>DOB: 1948</u> <u>POB: Anefif (Kidal), Mali</u> <u>Date of issue: 10 Jan 2012</u> <u>Place of issue: Bamako, Mali</u> <u>a.k.a: Ould Ahmed, Abdoullah</u> <u>Mali ID number: 073/SPICRE</u> <u>POB: Anefif, Mali</u> <u>Date of issue: 6 December 2011</u> <u>Place of Issue: Essouck, Mali</u></i>
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For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

13 August 2013

Att: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 64
Series of 2013

In its Memorandum dated 05 July 2013, the AMLC Secretariat (AMLCS) reported to the Council that:

On 3 April 2013, 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/13/13(1) dated 20 March 2012 of the Chairperson of the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1970 (2011) on Libya. The Note updates an entry in the List of Individuals and Entities subject to asset freeze.

The details of the update are as follows:

<i>Al-Senussi, Colonel Abdullah (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>Position: Director Military Intelligence. Military Intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in- law of Muammar Qadhafi.</i>	<i>Title: Colonel DOB: 1949. POB: Sudan a.k.a.: Ould Ahmed, Abdoullah Passport number: B0515260 DOB: 1948 POB: Anefif (Kidal), Mali Date of issue: 10 Jan 2012 Place of issue: Bamako, Mali Date of expiration: 10 Jan 2017 a.k.a.: Ould Ahmed, Abdoullah Mali ID number: 073/SPICRE POB: Anefif, Mali Date of issue: 6 Dec 2011 Place of issue: Essouck, Mali</i>
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Al-Senussi, Colonel Abdullah was the subject of AMLC Resolution No. 39-A, 39-B and 39-C, all dated 3 May 2011, directing covered persons (previously covered institutions) to: (1) submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, (2) freeze the bank account/s, including related web of accounts, and other assets, if any, and (3) conduct an inquiry into and/or examination of the bank accounts of the said person. To date, however, the AMLCS has yet to receive suspicious transaction report involving Al-Senussi, Colonel Abdullah.

The UNSC Resolution 1970 (2011), adopted on 26 February 2011, and 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;" (emphasis supplied)

"The Security Council,

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

x x x

Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,

x x x

Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances, torture and summary executions,

x x x

Considering that the widespread and systematic attacks currently taking place in the Libyan Arab Jamahiriya against the civilian population may amount to crimes against humanity,

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;" (emphasis supplied)

UNSC Resolution Nos. 1970 and 1973 seek to end murder and other similar acts in Libya, the circumstances of the commission thereof are similar/analogous to murder under the Revised Penal Code and acts of terrorism which are unlawful activities under Section 3(i), 12 and 3 of the Anti-Money Laundering Act of 2001 (AMLA), as amended by R.A. 10365 (2013). The freezing directive, on the other hand, of the resolutions shows a situation where there is funding of the said acts, making it similar or analogous to a financing of terrorism punishable under the penal laws of other countries. Under Section 3 (i) (13), in relation to (34) of the AMLA, as amended, an offense of similar nature to terrorism financing that is punishable under the penal laws of other countries is a predicate offense to money laundering.

Rule 13.g.2. of the Revised Implementing Rules and Regulations of the AMLA, as amended, provides:

"Rule 13.g.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.” (emphasis supplied)

Section 7 (7) of the AMLA, as amended, referred to above provides:

“Sec. 7. Creation of the Anti-Money Laundering Council (AMLC). – xxx The AMLC shall act unanimously in the discharge of its functions as defined hereunder:

x x x

(7) to implement such measures as may be necessary and justified under this Act to counteract money laundering;

x x x. (emphasis supplied)

The inclusion of the aforementioned individual 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) 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 persons 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):

<i>Al-Senussi, Colonel Abdullah (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>Position: Director Military Intelligence. Military Intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in-law of Muammar Qadhafi.</i>	<i>Title: Colonel DOB: 1949. POB: Sudan a.k.a.: Ould Ahmed, Abdoullah Passport number: B0515260 DOB: 1948 POB: Anefif (Kidal), Mali Date of issue: 10 Jan 2012 Place of issue: Bamako, Mali Date of expiration: 10 Jan 2017 a.k.a.: Ould Ahmed, Abdoullah Mali ID number: 073/SPICRE POB: Anefif, Mali Date of issue: 6 Dec 2011 Place of issue: Essouck, Mali</i>
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(2) Request the Supervising Authorities to disseminate copies of this Resolution to all covered persons under their respective jurisdictions.

24 July 2013, Manila, Philippines.



AMANDO M. TETANGCO, JR.
Chairman

(Governor, Bangko Sentral ng Pilipinas)



TERESITA J. HERBOSA
Member

(Chairperson, Securities and Exchange Commission)



EMMANUEL F. DOOC
Member

(Commissioner, Insurance Commission)