



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2010-073

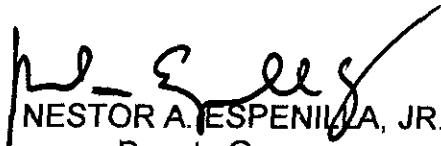
To : All Banks and Non-Bank Financial Institutions Under BSP
Supervision

Subject : Anti-Money Laundering Council (AMLC)
Resolution No. 94 dated 13 October 2010

Pursuant to Anti-Money Laundering Council Resolution No. 94 dated 13 October 2010 (copy attached), you are hereby informed that, on 24 August 2010, the Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of **(1) MUHAMMAD ABDALLAH HASAN ABU-AL-KHAYR** 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 Anti-Money Laundering Council (AMLC) reports of suspicious transactions, if any, involving **(1) MUHAMMAD ABDALLAH HASAN ABU-AL-KHAYR**, involving all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

28 October 2010

Att: A/S

PANANALAPING MATATAG, BANSANG PANATAG



***Anti-Money Laundering
Council***

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

**RESOLUTION NO. 94
Series of 2010**

In a Memorandum dated 30 September 2010, the AMLC Secretariat (AMLCS) reported to the Council that:

On 24 August 2010, the Security Council Al-Qaida and Taliban Sanctions Committee approved the addition of the entry specified below to its Consolidated List of individuals and entities subject to the assets freeze, travel ban and arms embargo set out in paragraph 1 of the Security Council Resolution 1904 (2009) adopted under Chapter VII of the Charter of the United Nations.

C. Individuals associated with Al-Qaida

Name: 1: MUHAMMAD 2: ABDALLAH 3: HASAN 4: ABU-AL-KHAYR

Name (original script): محمد عبدالله حسن أبو الخير

Date Of Birth: a) 19 Jun. 1975 b) 18 Jun. 1975

Place Of Birth: Al-Madinah al-Munawwarah, Saudi Arabia

Good quality a.k.a.: a) Mohammed Abdullah Hassan Abul-Khair b) Muhammad Abdallah Hasan Abu-al-Khayr

c) Muhammad Bin- 'Abdullah Bin-Hamd Abu-al-Khayr

d) Abdallah al-Halabi e) 'Abdallah al-Halabi al-Madani

f) Abdallah al-Makki g) Abdallah el-Halabi h) Abdullah al-Halabi i) Abu 'Abdallah al-Halabi

Low quality a.k.a.: a) Abu Abdallah al-Madani b) Muhannad al-Jaddawi

Nationality: Saudi Arabian

Passport no.: Saudi Arabian passport number A741097, issued on 14 Nov. 1995 and expired on 19 Sep. 2000.

National identification no.: Saudi Arabian national identification number 1006010555

Listed on: 24 Aug. 2010

Other information: Appears on a 2009 list of 85 persons wanted by the government of Saudi Arabia.

Narrative summaries of reasons for listing:

Muhammad Abdallah Hasan Abu-al-Khayr was listed on **24 August 2010** pursuant to paragraph 2 of Resolution 1904 (2009) as being associated with Al-Qaida, Usama bin Laden or the Taliban for "participating in the financing, planning, facilitating, preparing, or perpetrating of acts or activities by, in conjunction with, under the name of, on behalf or in support of", "recruiting for" or "otherwise supporting acts or activities of" Al-Qaida (QE.A.4.01).

Additional information:

Muhammad Abdallah Hasan Abu-al-Khayr is a leader of Al-Qaida's (QE.A.4.01) finance section. He has transferred many thousands of dollars in preparation for a terrorist attack. Abu-al-Khayr also acts for Al-Qaida in a leadership role on its media committee, and has on at least one occasion recruited a member for Al-Qaida. A son-in-law of Usama bin Laden (QI.B.8.01), he has also acted as a bodyguard to Bin Laden and a caretaker of his wives.

Abu-al-Khayr's relationship with Al-Qaida began when he undertook military training with the group in the mid-1990s. He appears on a 2009 list of 85 persons wanted by the government of Saudi Arabia, in part because of his role as an Al-Qaida financial facilitator.

The inclusion of MUHAMMAD ABDALLAH HASAN ABU-AL-KHAYR in the list of the UN Security Council validates his being associated with the Al-Qaida, a known terrorist organization.

The United Nations Security Council Resolution (UNSCR) 1373 adopted by the Security Council at its 4385th meeting on 28 September 2001 provides:

"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. No. 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; xxx"

Moreover, 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."

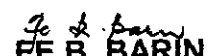
As a charter member of the United Nations and as part of the international coalition against terrorism, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UNSC Resolutions.

The Council resolved to:

- (i) Direct all covered institutions to submit to the Anti-Money Laundering Council reports of suspicious transactions, if any, involving **MUHAMMAD ABDALLAH HASAN ABU-AL-KHAYR**, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution;
- (ii) Authorize the AMLCS to file through the Office of the Solicitor General (OSG), a petition for the issuance of a freeze order against the bank account/s, and other assets, if any, of MUHAMMAD ABDALLAH HASAN ABU-AL-KHAYR;
- (iii) Authorize the Executive Director, or in his absence, the Officer-in-Charge of the AMLC Secretariat, to sign the petition and all other pleadings, initiatory or otherwise, related to the petition for issuance of freeze order; and
- (iv) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

13 October 2010, Manila, Philippines.


NESTOR A. ESPENILLA JR.
Acting Chairman
(OIC, Bangko Sentral ng Pilipinas)


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


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