



BANGKO SENTRAL NG PILIPINAS

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

CIRCULAR LETTER NO. CL-2013-042

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

**Subject : Anti-Money Laundering Council (AMLC) Resolution No. 05 dated
16 January 2013**

Pursuant to Anti-Money Laundering Council Resolution No. 05 dated 16 January 2013 (copy attached), you are hereby informed that on 12 November 2012, the United Nations (UN) Security Council Committee, established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo, added **MAKENGA, Sultani alias MAKENGA, Colonel SULTANI and MAKENGA, EMMMANUEL SULTANI** to the List of Individuals and Entities subject to the measure imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005).

Accordingly, all BSP covered institutions are directed to submit to the AMLC reports on suspicious transactions, if any, involving **MAKENGA, Sultani** including all transactions that occurred within the past five (5) years counting from the date of receipt of the Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

05 August 2013

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 05 Series of 2013

In its Memorandum dated 27 December 2012, the AMLC Secretariat (AMLCS) reported to the Council that:

On 12 November 2012, the United Nations (UN) Security Council Committee¹, established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo, added the following individual to the List of Individuals and Entities subject to the measure imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005). The details of the individual added in the List are as follows:

Name (last/first):	: MAKENGA, Sultani.
Aliases	: MAKENGA, Colonel SULTANI. MAKENGA, EMMANUEL SULTANI.
Date Of Birth (DOB)	: 25 December 1973.
Place Of Birth (POB)	: Rutshuru, Democratic Republic of the Congo.
Title	: A military leader of the Mouvement du 23 Mars (M23) group operating in the Democratic Republic of the Congo.
Nationality	: Congolese.
Designation Justification	: Sultani Makenga is a military leader of the Mouvement du 23 Mars (M23) group operating in the Democratic Republic of the Congo (DRC). As a leader of M23 (also known as the Congolese Revolutionary Army), Sultani Makenga has committed and is responsible for serious violations of international law involving the targeting of

¹ Created pursuant to the UN Security Council (UNSC) Resolution No. 1533 (2004) and tasked to, among others, implement and monitor compliance with Paragraph 20 of UNSC Resolution No. 1493, which demands all states to take necessary measures to prevent the supply of arms and any related materiel or assistance to armed groups operating in North and South Kivu and in Ituri, and to groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo.

displacement. He has also been responsible for violations of international law related to M23's actions in recruiting or using children in armed conflict in the DRC. Under the command of Sultani Makenga, M23 has carried out extensive atrocities against the civilian population of the DRC. According to testimonies and reports, the militants operating under the command of Sultani Makenga have conducted rapes throughout Rutshuru territory against women and children, some of whom have been as young as 8 years old, as part of a policy to consolidate control in Rutshuru territory. Under Makenga's command, M23 has conducted extensive forced recruitment campaigns of children in the DRC and in the region, as well as killing, maiming, and injuring scores of children. Many of the forced child recruits have been under the age of 15. Makenga has also been reported to be the recipient of arms and related materiel in violation of measures taken by the DRC to implement the arms embargo, including domestic ordinances on the importing and possession of arms and related materiel. Makenga's actions as the leader of M23 have included serious violations of international law and atrocities against the civilian population of the DRC, and have aggravated the conditions of insecurity, displacement, and conflict in the region.

The UN Security Council Resolution No. 1596 adopted on 18 April 2005 provides that:

"The Security Council,

x x x

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

x x x

1. *Reaffirms* the measures established by paragraph 20 of resolution 1493², dated 28 July 2003, and extended until 31 July 2005 by resolution 1552, dated 27 July 2004, *decides* that these measures shall from now on apply to any recipient in the territory of the Democratic Republic of the Congo, and reiterates that assistance includes financing and financial assistance related to military activities;

x x x

15. *Decides* that all States shall, during the period of enforcement of the measures referred to in paragraph 1 above, **immediately freeze the funds, other financial assets and economic resources which are owned or controlled, directly or indirectly, by persons designated by the Committee pursuant to paragraph 13 above, or that are held by entities owned or controlled, directly or indirectly, by any persons acting on their behalf or at their direction, as designated by the Committee, and decides further** that all States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories, to or for the benefit of such persons or entities;

x x x."

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:

² 20. *Decides* that all states, including the Democratic Republic of the Congo, shall, for an initial period of 12 months from the adoption of this resolution, take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo;

"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."

The inclusion of MAKENGA, Sultani in the List of Individuals and Entities subject to the measures imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005) requires a cooperative act among UN members. Accordingly, as a charter member of the UN, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UN Security Council Resolution.

The Council resolved to:

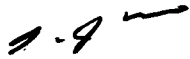
(1) Inform all covered institutions of the addition of MAKENGA, Sultani, alias MAKENGA, Colonel SULTANI and MAKENGA, EMMANUEL SULTANI to the United Nations Security Council Committee established pursuant to Resolution 1533 (2004) on the Democratic Republic of Congo, to its List of Individuals and Entities subject to the measure imposed by paragraph 15 of UN Security Council Resolution No. 1596 (2005);

(2) Direct all covered institutions to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving MAKENGA, Sultani (a.k.a. MAKENGA, Colonel SULTANI and MAKENGA, EMMANUEL SULTANI), including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution; and

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

16 January 2013, Manila, Philippines.


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



TERESITA J. HERBOSA

Member

(Chairman, Securities and Exchange Commission)



EMMANUEL F. DOOC

Member

(Commissioner, Insurance Commission)