



Bangko Sentral ng Pilipinas

OFFICE OF THE DEPUTY GOVERNOR SUPERVISION AND EXAMINATION SECTOR

CIRCULAR LETTER NO. CL-2010-021

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

Subject : **Anti-Money Laundering Council (AMLC)
Resolution No. 115 dated 09 December 2009**

Pursuant to Anti-Money Laundering Council Resolution No. 115 dated 09 December 2009 (copy attached), you are hereby informed of the following:

"On 23 September 2009, the Security Council Al-Qaida and Taliban Sanctions Committee approved the deletion¹ (de-listing) of YOUSSEF MUSTAPHA NADA EBADA from its Consolidated List of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1² of Security Council Resolution 1822 (2008) adopted under Chapter VII of the Charter of the United Nations.

"The Committee approved the de-listing following its review of the name, as called for in paragraph 25 of Security Council Resolution 1822(2008). The details of the delisting are as follows:

¹ Security Council SC/9744 dated 23 September 2009.

² 1. *Decides* that all States shall take the measures as previously imposed by paragraph 4(b) of resolution 1267 (1999), paragraph 8(c) of resolution 1333 (2000), and paragraphs 1 and 2 of resolution 1390 (2002), with respect to Al-Qaida, Usama bin Laden and the Taliban, and other individuals, groups, undertakings, and entities associated with them, as referred to in the list created pursuant to resolutions 1267 (1999) and 1333 (2000) (the "Consolidated List");

(a) Freeze without delay the funds and other financial assets or economic resources of these individuals, groups, undertakings and entities, including funds derived from property owned or controlled directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly for such persons' benefit, or by their nationals or by persons within their territory;

(b) Prevent the entry into or transit through their territories of these individuals, provided that nothing in this paragraph shall oblige any State to deny entry or require the departure from its territories of its own nationals and this paragraph shall not apply where entry or transit is necessary for the fulfillment of a judicial process or the Committee determines on a case-by-case basis only that entry or transit is justified;

(c) Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.

PANANALAPING MATATAG, BANSANG PANATAG

Name : YOUSSEF 2: MUSTAPHA 3: NADA 4: EBADA;
Name (Original script) : داب ءى دن وفطصم فسو ي
Date of Birth : 17 May 1931;
Place of Birth : Alexandria, Egypt;
A.k.a. : a) Youssef Nada b) Youssef M. Nada c) Youssef Mustapha Nada;
Nationality : Italian;
National Identification no. : Italian Identity Card number AE 1111288;
Address : Expiration date 21 Mar. 2005;
: a) via Arogno 32, 6911 Campione d'Italia, Italy b) via per Arogno 32, CH-6911 Campione d'Italia, Italy c) via Riasc 4, CH-6911 Campione d'Italia, Italy d) Italy, (resident as of Apr. 2009)
Listed on : 9 Nov. 2001 (amended on 10 Apr. 2003, 26 Nov. 2004, 3 Jun. 2009).
Other Information : na

"Also, on 23 September 2009, the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the amendments³ of the Consolidated List with respect to the following individuals (the amendments are indicated by underline) for being associated with Al-Qaida:

Name : 1: FAHID 2: MOHAMMED 3: ALLY 4: MASALAM;
Date of Birth : 19 Feb. 1976;
Place of Birth : Mombasa, Kenya;
A.k.a. : a) Fahid Mohammed Ally b) Fahad Ally Msalam c) Fahid Mohammed Ali Msalam d) Mohammed Ally Msalam e) Fahid Mohammed Ali Musalaam f) Fahid Muhamad Ali Salem g) Fahid Mohammed Aly h) Ahmed Fahad i) Ali Fahid Mohammed j) Fahad Mohammad Ally k) Fahad Mohammed Ally l) Fahid Mohamed Ally m) Msalam Fahad Mohammed Ally n) Msalam Fahid Mohammad Ally o) Msalam Fahid Mohammed Ali p) Msalm Fahid Mohammed Ally; Usama Al-kini b) Mohammed Ally Mohammed c) Ally Fahid M;
Nationality : Kenyan;
Passport no. : a) Kenyan passport number A260592 b) Kenyan passport number A056086 c) passport number A435712 d) passport number A324812 e) passport number A356095;
National Identification no. : Kenyan identity card number 12771069;
Address : Mombasa, Kenya;

³ Security Council SC/9745 dated 23 September 2009.

Listed on 17 Oct. 2001 (amended on 2 Jul. 2007, 13 Feb. 2009, 23 Sept. 2009)

Other Information Believed to have been involved in the attacks on the United States embassies in Nairobi and Dar es Salaam in Aug. 1998. Confirmed to have died on 1 Jan. 2009.

Name : 1: SHEIKH 2: AHMED 3: SALIM 4: SWEDAN

Name (original script) : شيخ أحمد سالم سويدان

Title : Sheikh

Date of Birth : a) 9 Apr. 1969 b) 9 Apr. 1960 c) 4 Sep. 1969;

Place of Birth : Mombasa, Kenya;

A.k.a. : a) Ahmed Ally b) Sheikh Ahmad Salem Suweidan c) Sheikh Swedan d) Ally Ahmad e) Muhamed Sultan f) Sheik Ahmed Salim Sweden g) Sleyum Salum h) Sheikh Ahmed Salam i) Sheikh Ahmed Salem Swedan: Ahmed The Tall b) Bahamad c) Sheik Bahamad d) Sheikh Bahamdi e) Sheikh Bahamad

Nationality : Kenyan;

Passport no. : Kenyan passport number A163012;

National Identification no. : Kenyan identity card number 8534714, issued on 14 Nov. 1996;

Listed on : 17 Oct. 2001 (amended on 2 Jul. 2007, 21 Dec. 2007, 13 Feb. 2009, 23 Sept. 2009);

Other Information Believed to have been involved in the attacks on the United States embassies in Nairobi and Dar es Salaam in Aug. 1998. Confirmed to have died on 1 Jan. 2009.

"The inclusion of **FAHID MOHAMMED ALLY MSALAM** and **SHEIKH AHMED SALIM SWEDAN** in the list of the UN Security Council validates their being associated with terrorists.

"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 national 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 associated persons and entities;

(d) Prohibit their national 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. 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;

“Moreover, 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 12 (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 directive 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 a 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.”

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

05 April 2010



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 115 Series of 2009

In its Memorandum dated 18 November 2009, the AMLC Secretariat (AMLCS) reported to the Council that:

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(c) Prevent the direct or indirect supply, sale, or transfer, to these individuals, groups, undertakings and entities from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities.

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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.

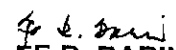
The Council resolved to:

- (1) Inform all covered institutions of the delisting of the name of **YOUSSEF MUSTAPHA NADA EBADA** from the Consolidated List of Individuals and Entities subject to Asset Freeze, Travel Ban and Arms Embargo;
- (2) Direct all covered institutions to submit to the Anti-Money Laundering Council reports of covered or suspicious transactions, if any, involving **FAHID MOHAMMED ALLY MSALAM** and **SHEIKH AHMED SALIM SWEDAN**; and
- (3) Request the Supervising Authorities to disseminate copies of this Resolution to all covered institutions under their respective jurisdictions.

09 December 2009, Manila, Philippines.



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



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



EDUARDO T. MALINIS
Member
(Commissioner, Insurance Commission)