



BANGKO SENTRAL NG PILIPINAS

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

CIRCULAR LETTER NO. CL-2011-080

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

**Subject : Anti-Money Laundering Council (AMLC) Resolution No. 102 dated
16 September 2011**

Pursuant to Anti-Money Laundering Council Resolution No. 102 dated 16 September 2011 (copy attached), you are hereby informed that on 18 July 2011, the United Nations Security Council (UNSC) Al-Qaida Sanctions Committee approved the addition of **(1) ABDUL RAHIM BA'AYSIR; and (2) UMAR PATEK** to the Al-Qaida Sanctions List (formerly known as the "Consolidated List") of individuals and entities subject to asset freeze, travel ban and arms embargo set out in the paragraph 1 of UNSC Resolution 1989 (2011) adopted under Chapter VII of the Charter of the United Nations.

In addition, AMLC Resolution No. 102 requires covered institution to submit Suspicious Transaction Reports to the AMLC including all transactions that occurred within the past five (5) years from date of receipt of the said AMLC Resolution.

For your guidance and strict implementation.


NESTOR A. ESPENILLA, JR.
Deputy Governor

12 October 2011

Att.: A/S



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 102 Series of 2011

In its Memorandum dated 2 September 2011, the AMLC Secretariat (AMLCS) reported to the Council that:

On 18 July 2011, the United Nations Security Council (UNSC) Al-Qaida Sanctions Committee approved the addition of two (2) individuals to the Al-Qaida Sanctions List (formerly known as the "Consolidated List")¹ of individuals and entities subject to the asset freeze, travel ban and arms embargo set out in paragraph 1² of UNSC Resolution 1989 (2011) adopted under Chapter VII of the Charter of the United Nations. The details of the individuals added in the list are as follows:

¹ On 17 June 2011, the Security Council adopted Resolutions 1988 (2011) and 1989 (2011). By these Resolutions, the Security Council decided to split the Al-Qaida and Taliban sanctions regime originally known as the "Consolidated List". Resolution 1989 (2011) provides that the Consolidated List shall henceforth be known as the "Al-Qaida Sanctions List" and include only names of individuals, groups, undertakings and entities associated with Al-Qaida.

² 1. *Decides* that all States shall take the measures as previously imposed by paragraph 8 (c) of Resolution 1333 (2000), and paragraphs 1 and 2 of Resolution 1390 (2002), with respect to Al-Qaida and other individuals, groups, undertakings and entities associated with them, including those referred to in section C ("Individuals associated with Al-Qaida") and section D ("Entities and other groups and undertakings associated with Al-Qaida") of the Consolidated List established pursuant to Resolutions 1267 (1999) and 1333 (2000), as well as those designated after the date of adoption of this Resolution, xxx):

- (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, by their nationals or by persons within their territory;

x x x.

A. Individuals associated with Al-Qaida

Name : 1: ABDUL RAHIM 2: BA'AYSIR 3: na 4: na
DOB : a) 16 Nov. 1977 b) 16 Nov. 1974
POB : a) Solo, Indonesia b) Sukoharjo, Central Java, Indonesia
Good quality a.k.a. : a) Abdul Rahim Bashir b) 'Abd Al-Rahim Ba'asyir c) 'Abd Al-Rahim Bashir d) Abdurrahim Ba'asyir e) Abdurrahim Bashir f) Abdul Rachim Ba'asyir g) Abdul Rachim Bashir h) Abdul Rochim Ba'asyir i) Abdul Rochim Bashir j) Abdurochim Ba'asyir k) Abdurochim Bashir l) Abdurrochim Ba'asyir m) Abdurrochim Bashir n) Abdurrahman Ba'asyir o) Abdurrahman Bashir
Nationality : Indonesian
Address : Indonesia
Listed on : 19 July 2011
Other information : Senior Jemaah Islamiyah (QE.J.92.02.) leader. Father's name is Abu Bakar Ba'asyir (QI.B.217.06.).

Name : 1: UMAR 2: PATEK 3: na 4: na
DOB : 1970
POB : Central Java, Indonesia
Good quality a.k.a. : Omar Patek
Low quality a.k.a. : a) Pa'tek b) Pak Taek c) Umar Kecil d) Al Abu Syekh Al Zacky e) Umangis Mike
Nationality : Indonesian
Address : a) Indonesia b) Philippines
Listed on : 19 Jul. 2011
Other information : Senior member of Jemaah Islamiyah (QE.J.92.02.) involved in planning and funding multiple terrorist attacks in the Philippines and Indonesia. Provided training to Abu Sayyaf Group (QE.A.1.01.).

ABDUL RAHIM BA'AYSIR has not been the subject of any previous Resolutions of the AMLC. UMAR PATEK, on the other hand, had been the subject of AMLC Resolution Nos. 70-A, 70-B, and 70-C pursuant to the

request for assistance on 13 April 2011 of Mr. James D. Nixon, Legal Attache of the United States of America in Manila. The Resolutions directed covered institutions to submit reports on suspicious transactions, if any, on Umar Patek, as well as authorized the AMLC Secretariat to file a petition for the freezing of his bank account/s and other assets, if any, and to conduct an examination thereon.

The inclusion of ABDUL RAHIM BA'AYSIR and UMAR PATEK in the Al-Qaida Sanctions List validates their being associated with the Al Qaida, a known terrorist organization.

The UNSC Resolution 1373, adopted on 28 September 2001, provides that:

"The Security Council,

x x x

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. 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."

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 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."

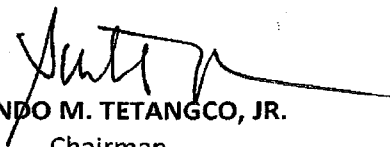
As a charter member of the United Nations and as part of the international coalition against terrorism, the Philippines, through the Anti-Money Laundering Council, must actively support the actions required under the subject UNSC Resolutions.

The Council resolved to:

(1) Direct all covered institutions to submit to the Anti-Money Laundering Council reports on suspicious transactions, if any, involving ABDUL RAHIM BA'AYSIR, including all transactions that occurred within the past five (5) years counting from the date of receipt of this Resolution; and

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

16 September 2011, 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)