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CIRCULAR LETTER

To: All Insurance/Reinsurance Companies, Intermediaries, Mutual Benefit Associations, Trusts for Charitable Uses and Pre-need Companies

Subject: Dissemination of AMLC Resolution Nos. 39-A and 40-A both dated May 3, 2011

In accordance with the directive from the Anti-Money Laundering Council (AMLC), the attached AMLC Resolution Nos. 39-A and 40-A both dated May 3, 2011 are being circulated to all covered institutions to require submission to AMLC all reports of suspicious transactions, if any, involving the subjects of the said resolutions, including all transactions that occurred within the past five (5) years counting from the date of receipt of the said resolutions.

For strict compliance


EMMANUEL F. DOOC
Insurance Commissioner





Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 39-A Series of 2011

In its Memorandum dated 28 April 2011, the AMLC Secretariat (AMLCS) reported to the Council that:

On 30 March 2011, Assistant Secretary Virgilio A. Reyes, Jr. of the Department of Foreign Affairs, Office of Middle East and African Affairs, sent the Anti-Money Laundering Council (AMLC) a letter dated 25 March 2011, requesting the AMLC to cause the freezing of assets of Libyan leader, Col. Muammar Al-Qadhafi and family that may have been acquired in or transferred to the Philippines. The request is in connection with United Nations Security Council (UNSC) Resolution No. 1970 adopted on 26 February 2011, which states:

"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;

18. Expresses its intention to ensure that assets frozen pursuant to paragraph 17 shall at a later stage be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

19. Decides that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

a) To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within five working days of such notification;

(b) To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or

(c) To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee;

20. Decides that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17

above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

21. Decides that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above, and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

x x x."

The individuals, as well as the details of their identities, listed in Annex II mentioned above and whose assets are subject of the Asset Freeze pursuant to Paragraph 17 above are as follows:

1. Qadhafi, Aisha Muammar

*Date of Birth: 1978. Place of Birth: Tripoli, Libya
Daughter of Muammar Qadhafi. Closeness of
association with regime.*

2. Qadhafi, Hannibal Muammar

*Passport number: B/002210. Date of Birth:
20/09/1975. Place of Birth: Tripoli, Libya. Son of
Muammar Qadhafi. Closeness of association with
regime.*

3. Qadhafi, Khamis Muammar

*Date of Birth: 1978. Place of Birth: Tripoli, Libya
Son of Muammar Qadhafi. Closeness of association
with regime. Command of military units involved in
repression of demonstrations.*

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging these authorities to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),

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,

x x x

Deploring the continuing use of mercenaries by the Libyan authorities,

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;

20. Affirms its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

x x x

7. **Al-Senussi, Colonel Abdullah**
Position: Director, Military Intelligence
Title: Colonel
DOB: 1949
POB: Sudan

Entities

1. **Central Bank of Libya**
Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

2. **Libyan Investment Authority a.k.a. Libyan Arab Foreign Investment Company (LAFICO)**
Address: 1 Fateh Tower Office, No. 99 22nd Floor, Borgaida Street, Tripoli, Libya 1103

Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

3. **Libyan Foreign Bank**
Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

4. **Libyan Africa Investment Portfolio**
Address: Jamahiriya Street, LAP Building, PO Box 91330, Tripoli, Libya

Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

5. **Libyan National Oil Corporation**
Address: Bashir Saadwi Street, Tripoli, Tarabulus, Libya

Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.

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”.

The inclusion of the following individuals and entities in Annexes II of UNSC Resolutions 1970 (2011) and 1973 (2011) subject to the measures imposed under Paragraph 17, 19, 20 and 21 of UNSC Resolution 1970 (2001) requires a cooperative act among UN members:

Individuals Listed in Annex II of UNSC Resolution 1970 (2011)	Individuals Listed in Annex II of UNSC Resolution 1973 (2011)	Entities Listed in Annex II of UNSC Resolution 1973 (2011)
<i>Qadhafi, Aisha Muammar</i>	<i>Dorda, Abu Zayd Umar</i>	<i>Central Bank of Libya</i>
<i>Qadhafi, Hannibal Muammar</i>	<i>Jabir, Major General Abu Bakr Yunis</i>	<i>Libyan Investment Authority a.k.a. Libyan Arab Foreign Investment Company (LAFICO)</i>
<i>Qadhafi, Khamis Muammar</i>	<i>Matuq, Matuq Mohammed</i>	<i>Libyan Foreign Bank</i>
<i>Qadhafi, Muammar Mohammed Abu Minyar</i>	<i>Qadhafi, Mohammed Muammar</i>	<i>Libyan Africa Investment Portfolio</i>
<i>Qadhafi, Mutassim</i>	<i>Qadhafi, Saadi</i>	<i>Libyan National Oil Corporation</i>
<i>Qadhafi, Saif- al-Islam</i>	<i>Qadhafi, Saif al-Arab</i>	
	<i>Al-Senussi, Colonel Abdullah</i>	

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 UN Security Council 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 the following individuals and

entities that occurred within the past five (5) years counting from the date of receipt of this Resolution:

Individuals Listed in Annex II of UNSC Resolution 1970 (2011)	Individuals Listed in Annex II of UNSC Resolution 1973 (2011)	Entities Listed in Annex II of UNSC Resolution 1973 (2011)
<i>Qadhafi, Aisha Muammar</i>	<i>Dorda, Abu Zayd Umar</i>	<i>Central Bank of Libya</i>
<i>Qadhafi, Hannibal Muammar</i>	<i>Jabir, Major General Abu Bakr Yunis</i>	<i>Libyan Investment Authority a.k.a. Libyan Arab Foreign Investment Company (LAFICO)</i>
<i>Qadhafi, Khamis Muammar</i>	<i>Matuq, Matuq Mohammed</i>	<i>Libyan Foreign Bank</i>
<i>Qadhafi, Muammar Mohammed Abu Minyar</i>	<i>Qadhafi, Mohammed Muammar</i>	<i>Libyan Africa Investment Portfolio</i>
<i>Qadhafi, Mutassim</i>	<i>Qadhafi, Saadi</i>	<i>Libyan National Oil Corporation</i>
<i>Qadhafi, Saif- al-Islam</i>	<i>Qadhafi, Saif al-Arab</i>	
	<i>Al-Senussi, Colonel Abdullah</i>	

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

3 May 2011, Manila, Philippines.



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



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



EMMANUEL F. DOOC
Member
(Commissioner, Insurance Commission)



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 40-A
Series of 2011

In its Memorandum dated 25 April 2011, the AMLC Secretariat (AMLCS) reported to the Council that:

On 1 December 2010, the United Nations (UN) Security Council Committee¹ which was established pursuant to UN Security Council Resolution No. 1533 (2004) concerning the Democratic Republic of the Congo added the following four individuals to the List of Individuals and Entities (List) subject to the measures imposed by paragraphs 13 and 15 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010). The details of the individuals added in the List are as follows:

Name (last/first):	: IYAMUREMYE, Gaston;
Alias	: Rumuli; Byiringiro Victor Rumuli; Victor Rumuri; Michel Byiringiro;
Date Of Birth	: 1948;
Place Of Birth	: Musanze District (Northern Province), Rwanda;
Alt. POB	: Ruhengeri, Rwanda;
Passport/Identifying Information	: <u>Title</u> : Second Vice President of FDLR ² ; <u>Rank</u> : Brigadier General; <u>Current location</u> : Kibua, North Kivu, Democratic Republic of Congo (DRC); <u>Alt. Current location</u> : Aru, DRC.

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.

² The forces democratiques de liberation du Rwanda (FDLR) or The Democratic Forces for the Liberation of Rwanda is the primary remnant of Rwandan Hutu Power rebel group in the east of the Democratic Republic of Congo. The group is both a military group and a terrorist organization.

Designation Justification : According to multiple sources, including the UNSC DRC Sanctions Committee's Group of Experts, Gaston Iyamuremye is the second vice president of the FDLR and is considered a core member of the FDLR military and political leadership. Gaston Iyamuremye also ran Ignace Murwanashyaka's (President of the FDLR) office in Kibua, DRC until December 2009.

Name (last/first): : NSANZUBUKIRE, Félicien; Alias; Fred Irapeza;

Date Of Birth : 1967;

Place Of Birth : Murama, Kinyinya, Rubungo, Kigali, Rwanda; Current location: Uvira-Sange area, Uvira Territory, South Kivu Province, DRC.

Designation Justification : According to multiple sources, Félicien Nsanzubukire is the 1st battalion leader of the FDLR. Félicien Nsanzubukire has been a member of the FDLR since at least 1994 and operating in eastern DRC since October 1998. The UNSC DRC Sanction Committee's Group of Experts reports that Félicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu.

Name (last/first): : ZIMURINDA, Innocent;

Date Of Birth : September 1, 1972;

Alt. DOB : 1975;

Place of Birth (POB): : Ngungu, Masisi Territory, North Kivu Province, DRC; Current location: Masisi Territory, North Kivu Province, DRC;

arbitrary execution of child soldiers, including during operation Kimia II. According to the same statement, he denied access by the UN Mission in the DRC (MONUC) to screen troops for minors. According to the UNSC DRC Sanctions Committee's Group of Experts, Lt Col Zimurinda holds direct and command responsibility for child recruitment and for maintaining children within troops under his command.

Name (last/first) : MUGARAGU, Leodomir;
Alias : Manzi Leon; Leo Manzi;
Date of Birth : 1954;
Alt. DOB : 1953;
Date Of Birth : Kigali, Rwanda;
Alt. POB : Rushashi (Northern Province), Rwanda;
Passport/Identifying Information : Title: FDLR/FOCA Chief of Staff; Rank: Brigadier General;
Designation : According to open-source and official reporting, Leodomir Mugaragu is the Chief of Staff of the Forces Combattantes Abucunguzi/Combatant Force for the Liberation of Rwanda (FOCA), the FDLR's armed wing. According to official reporting Mugaragu is a senior planner for FDLR's military operations in the eastern DRC.
Justification

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 1493³, 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;

13. *Decides* that, during the period of enforcement of the measures referred to in paragraph 1 above, all the States shall take the necessary measures to prevent the entry into or transit through their territories of all persons designated by the Committee as acting in violation of the measures taken by Member States in accordance with paragraph 1 above, provided that nothing in this paragraph shall oblige a State to refuse entry into its territory to its own nationals;

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

³ 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;

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, 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."

The inclusion of IYAMUREMYE, Gaston; NSANZUBUKIRE, Félicien; ZIMURINDA, Innocent; and MUGARAGU, Leodomir in the List of Individuals and Entities subject to the measures imposed by paragraphs 13 and 14 of UN Security Council Resolution No. 1596 (2005), as renewed by paragraph 3 of the UN Security Council Resolution No. 1952 (2010), 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 UN Security Council 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 IYAMUREMYE, Gaston; NSANZUBUKIRE, Félicien; ZIMURINDA, Innocent; and MUGARAGU, Leodomir, 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.

03 May 2011, Manila, Philippines.



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



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



EMMANUEL F. DOOC
Member
(Commissioner, Insurance Commission)