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CIRCULAR LETTER

**TO : ALL INSURANCE COMPANIES & INTERMEDIARIES
MUTUAL BENEFIT ASSOCIATIONS AND TRUST
INSTITUTIONS FOR CHARITABLE USES**

SUBJECT : DISSEMINATION OF AMLC RESOLUTION NO. 11

In accordance with a directive from the Anti-Money Laundering Council (AMLC), please see attached AMLC Resolution No. 11 dated February 20, 2008 consisting of four (4) pages. The Resolution requires all covered institutions to submit to the AMLC reports of covered and suspicious transactions involving the subjects of the said Resolution.

For strict compliance.

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EDUARDO T. MALINIS
Insurance Commissioner
Member, AMLC





Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 11 Series of 2008

In a letter dated 25 January 2008, the Government of the United States of America, through its Embassy in Manila, requested the Anti-Money Laundering Council (AMLC) to check carefully for funds, financial assets or economic resources, including property or interests in property owned or controlled directly or indirectly by the following individuals belonging to or associated with Osama bin Laden, the Taliban and/or the Al-Qaida organization:

1. **HAMID AL-ALI;**
2. **JABER AL-JALAMAH; and**
3. **MUBARAK MUSHAKHAS SANAD AL-BATHALI.**

Information available to the US Government disclosed the following:

1. **HAMID AL-ALI** is a Kuwait-based terrorist facilitator who has provided financial support for Al-Qaida affiliated groups seeking to commit acts of terrorism in Kuwait, Iraq and elsewhere. **HAMID AL-ALI** was a religious leader and financier for a Kuwait-based terrorist cell that plotted to attack U.S. and Kuwaiti targets in early 2005. In addition to financial support and recruiting services, **HAMID AL-ALI** also provided opportunities for potential recruits to obtain explosives training in 2004. He also used his website to provide technical advice for making explosives, chemical and biological weapons;

2. **JABER AL-JALAMAH** is a Kuwait-based terrorist facilitator who has provided financial and logistical support to the Al-Qaida network in Afghanistan, Iraq and Kuwait. As early as 2004, **JABER AL-JALAMAH** was coordinating a recruitment effort to send fighters and funds to Al-Qaida in Iraq. He facilitated travel for men he recruited and provide suicide bombers, anti-coalition fighters and couriers in Iraq that carried the funds he collected for provision to the terrorist groups. **JABER AL-JALAMAH's** role with Al-Qaida includes dealing personally with Usama bin Laden.

3. **MUBARAK MUSHAKHAS SANAD AL-BATHALI** is a Kuwait-based terrorist facilitator that serves as a fundraiser and recruited for the Al-Qaida network. He has spoken at several mosques in Kuwait to raise funds for provision to Al-Qaida operatives. As of 2006, **MUBARAK MUSHAKHAS**

SANAD AL-BATHALI continues to facilitate travel for extremists planning to fight in Iraq and Afghanistan.

On 16 January 2008, the 1267 UN Security Council Committee¹ approved the addition of the names of **HAMID AL-ALI, JABER AL-JALAMAH AND MUBARAK MUSHAKHAS SANAD AL-BATHALI** to its Consolidated List (Al-Qaida section)

The inclusion of **HAMID AL-ALI, JABER AL-JALAMAH AND MUBARAK MUSHAKHAS SANAD AL-BATHALI** in the list of the UN Security Council Committee 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 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

¹ UN Security Council SC/9229 dated 17 January 2008.

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 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 require all covered institutions to submit within five (5) working days from receipt hereof, reports of covered or suspicious transaction, if any, involving **HAMID AL-ALI, JABER AL-JALAMAH AND MUBARAK MUSHAKHAS SANAD AL-BATHALI** or by persons acting on their behalf.

The Bangko Sentral ng Pilipinas, the Securities and Exchange Commission and the Insurance Commission are requested to circularize this Resolution among all covered institutions under their respective jurisdictions.

20 February 2008, Manila, Philippines.


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


E. B. BARIN
Member
(Chairperson, Securities and Exchange Commission)


EDUARDO T. MALINIS
Member
(Commissioner, Insurance Commission)