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Circular Letter No. 7-2010

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

Subject : Anti-Money Laundering Council (AMLC) Resolution No. 13 dated 17 February 2010

Attached is a copy of the aforementioned resolution informing all IC-covered institutions of the delisting of the names of Nabil Abdul Salam Sayadi, Patricia Rosa Vinck and Zia Mohammad from the UNSC Consolidated List of Individuals and Entities subject to Asset Freeze, Travel Ban and Arms Embargo and requiring the submission to AMLC reports of covered and suspicious transactions, if any, involving Fethi ben Al-Rabei Ben Absha Mnasri.

For strict compliance.


SANTIAGO JAVIER RANADA
Insurance Commissioner

26 February 2010



Decision



Anti-Money Laundering Council
Bangko Sentral ng Pilipinas Complex
Manila, Philippines

OFFICE OF THE INSURANCE
COMMISSIONER
RECEIVED
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BY: 20-9 *Cherry*

AMLC-OED-10-30(1)

**SECRETARIAT
OFFICE OF THE EXECUTIVE DIRECTOR**

23 February 2010

THE COMMISSIONER
Insurance Commission
Manila

Dear Sir:

Please be informed that the Anti-Money Laundering Council (AMLC), in its Resolution No. 13 dated 17 February 2010 (copy attached), decided as follows:

1. To inform all covered institutions of the delisting of the names of Nabil Abdul Salam Sayadi, Patricia Rosa Vinck and Zia Mohammad from the UNSC Consolidated List of Individuals and Entities subject to Asset Freeze, Travel Ban and Arms Embargo;
2. To direct all covered institutions to submit to the AMLC reports of covered and suspicious transactions, if any, involving Fethi Ben Al-Rabei Ben Absha Mnasri; and
3. To request the Supervising Authorities to disseminate copies of abovementioned Resolution to all covered institutions under their respective jurisdictions.

In this connection, may we request the Insurance Commission to disseminate copies of the abovementioned Resolution to all covered institutions under its jurisdiction.

Thank you.

Very truly yours,

VICENTE S. AQUINO
Executive Director



***Anti-Money Laundering
Council***

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

**RESOLUTION NO. 13
Series of 2010**

In a Memorandum dated 12 February 2010, the AMLC Secretariat (AMLCS) reported to the Council that:

On 20 July 2009 and 03 December 2009, the United Nations Security Council (UNSC) Al-Qaida and Taliban Sanctions Committee approved the deletion¹ (de-listing) of the names of NABIL ABDUL SALAM SAYADI; PATRICIA ROSA VINCK and ZIA MOHAMMAD, 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.

¹ Security Council SC/9711 and SC/9806 dated 20 July 2009 and 3 December 2009, respectively.

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 fulfilment 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.

The Committee approved the de-listing after its review of the names of the following individuals, as called for in paragraph 25³ of Security Council Resolution 1822(2008).

Name: 1: NABIL 2: ABDUL 3: SALAM 4: SAYADI⁴

Name (original script): نبييل عبد السلام صبيادي

DOB: 1 Jan. 1966

POB: El Hadid, Tripoli, Lebanon

A.k.a.: Abu Zeinab

Nationality: Belgian since 18 Sep. 2001

Address: Vaatjesstraat 29, 2580 Putte, Belgium

Listed on: 22 Jan. 2003 (amended on 26 Nov. 2004)

Other information: Spouse of Patricia Vinck. Married on 29 May 1992 in Peshawar, Pakistan.

Name: 1: PATRICIA 2: ROSA 3: VINCK 4⁵: na

DOB: 4 Jan. 1965 **POB:** Berchem, Antwerp, Belgium

A.k.a.: Souraya P. Vinck

Nationality: Belgian

Address: Vaatjesstraat 29, 2580 Putte, Belgium

Listed on: 22 Jan. 2003 (amended on 26 Nov. 2004, 9 Sep. 2005)

Other information: Spouse of Nabil Sayadi.

Name: 1: ZIA 2: MOHAMMAD⁶ 3: na 4: na

A.k.a.: Zia, Ahmad

Address: a) C/O Ahmed Shah C/O Painda Mohammad Al-Karim Set, Peshawar, Pakistan b) C/O Alam General Store Shop 17, Awami Market, Peshawar, Pakistan c) C/O Zahir Sha

Listed on: 17 Oct. 2001

Also, based on the Security Council SC/9794 dated 18 November 2009, on 17 November 2009, the United Nations Security Council Al-Qaida and Taliban Sanctions Committee approved the amendments⁷ of the Consolidated List with respect to FETHI BEN AL-RABEI BEN ABSHA MNASRI as follows:

³ 25. Directs the Committee to conduct a review of all names on the Consolidated List at the date of adoption of this resolution by 30 June 2010 in which the relevant names are circulated to the designating states and states of residence and/or citizenship, where known, pursuant to the procedures set forth in the Committee guidelines, in order to ensure the Consolidated List is as updated and accurate as possible and to confirm that listing remains appropriate;

⁴ Subject of Resolution No. 204 dated 4 February 2003 issued by the AMLC.

⁵ Ibid.

⁶ Not included in the previous Resolutions issued by the AMLC.

⁷ Security Council SC/9745 dated 23 September 2009.

C. Individuals associated with Al-Qaida

Name: 1: FETHI 2: BEN AL-RABEI 3: BEN ABSHA 4: MNASRI
DOB: 6 Mar. 1969
POB: Baja, Tunisia
A.k.a.: Fethi Alic; Amor; Omar Abu
Nationality: Tunisian
Passport no.: Tunisian passport number L 497470 issued on 3 Jun. 1997, expired on 2 Jun. 2002
Address: Birmingham, United Kingdom
Listed on: 25 Jun. 2003 (amended on 20 Dec. 2005, 31 Jul. 2006, 17 Oct. 2007, 17 Nov. 2009)
Other information: In January 2003 sentenced in Italy to 8 months imprisonment.

FETHI BEN AL-RABEI BEN ABSHA MNASRI was not included in the previous AMLC Resolutions issued by the Council. The inclusion of FETHI BEN AL-RABEI BEN ABSHA MNASRI⁸ in the list of the UN Security Council validates his 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

⁸ Not included in the previous Resolutions issued by the AMLC.

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. No. 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, provides:

"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) Inform all covered institutions of the delisting of the name of **NABIL ABDUL SALAM SAYADI; PATRICIA ROSA VINCK and ZIA MOHAMMAD** from the UNSC 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 **FETHI BEN AL-RABEI BEN ABSHA MNASRI**; and

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

17 February 2010, Manila, Philippines.


DIWA C. GUINIGUNDO
Acting Chairman
(Officer-in-Charge, Bangko Sentral ng Pilipinas)


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


EDUARDO T. MALINIS
Member
(Commissioner, Insurance Commission)