



Anti-Money Laundering Council

Bangko Sentral ng Pilipinas Complex
Manila, Philippines

RESOLUTION NO. 104
Series of 2011

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

On 13 July 2011, Assistant Secretary Leslie B. Gatan of the Department of Foreign Affairs, Office of United Nations and Other International Organizations, furnished the Anti-Money Laundering Council (AMLC) a copy of Note SCA/13/11(03) dated 24 June 2011 from the Chairman of the United Nations Security Council (UNSC) Committee (the "Committee"), established pursuant to UNSC Resolution 1970 (2011). The note relates to the approval by the Committee on 24 June 2011 of the addition of entries to the List of Individuals and Entities (the "List") subject to travel ban and/or asset freeze imposed by paragraphs 15 and 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011).

The details of the individuals and an entity added to the List are as follows:

Newly Designated Individuals:

Name	Justification	Identifiers
AL-BARASSI, Safia Farkash (Listed on 24 June 2011 pursuant to paragraph 15 of Resolution 1970 and paragraph 19 of Resolution 1973)	Married to Muamar QADHAFI since 1970. Owner of Buraq Air (airline company) headquartered in the Mittiga International Airport in Tripoli. Farkash operates the company with the approval of her husband. Significant personal wealth, which could be used for regime purposes. Her sister	DOB: 1952 POB: Al Bayda, Libya

	Fatima FARKASH is married to ABDALLAH SANUSSI, head of Libyan military intelligence.	
ZLITNI, Abdelhaziz (Listed on 24 June 2011 pursuant to paragraph 15 of Resolution 1970 and paragraph 19 of Resolution 1973)	Minister for Planning and Finance in Colonel Qadhafi's Government; involved in violence against demonstrators. Secretary of the General People's Committee for Finance and Planning. Zlitni is currently acting as temporary head of the Central Bank of Libya. He was previously National Oil Corporation Chairman. Information suggests that he is currently engaged in trying to raise funds for the regime to replenish Central Bank reserves already spent on sustaining the current military campaign.	DOB: 1935

Newly Designated Entity:

Name	Justification	Identifiers
ZUEITINA OIL COMPANY (Listed on 24 June 2011 pursuant to paragraph 19 of Resolution 1973)	Owned or controlled by Libyan National Oil Corporation.	a.k.a: ZOC; ZUEITINA Address: Zueitina Oil Building, Sidi Issa Street, Al Dahra Area, P.O. Box 2134, Tripoli, Libya

Previously, on 25 March, the Committee updated an existing entry in the List, the details of which are as follows:

Name	Justification	Identifiers
Qadhafi, Saadi <i>(Listed on 26 February 2011 pursuant to paragraph 15 of Resolution 1970; on 17 March 2011 pursuant to paragraph 17 of Resolution 1970)</i>	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	Passport number: 014797 DOB: 27 May 1973 POB: Tripoli, Libya

The UNSC Resolution 1970 (2011), adopted on 26 February 2011, as well as UNSC Resolution 1973 (2011) adopted on 17 March 2011, provide that:

"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;"

"The Security Council,

Recalling its resolution 1970 (2011) of 26 February 2011,

x x x

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;"

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."

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 aforementioned individuals and entity in the List subject to asset freeze imposed by paragraph 17 of UNSC Resolution 1970 (2011) and paragraph 19 of UNSC Resolution 1973 (2011) 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 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 AL-BARASSI, Safia Farkash; ZLITNI, Abdelhaziz; Qadhafi, Saadi and ZUEITINA OIL COMPANY 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) (Commissioner, Insurance Commission)


EMMANUEL F. DOOC
Member