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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.*

4. *Qadhafi, Muammar Mohammed Abu Minyar*

*Date of Birth: 1942. Place of Birth: Sirte, Libya
Leader of the Revolution, Supreme Commander of
Armed Forces. Responsibility for ordering
repression of demonstrations, human rights abuses.*

5. *Qadhafi, Mutassim*

*Date of Birth: 1976. Place of Birth: Tripoli, Libya
National Security Adviser. Son of Muammar
Qadhafi. Closeness of association with regime.*

6. *Qadhafi, Saif- al-Islam*

*Passport Number: B014995. Date of Birth:
25/06/1972. Place of Birth: Tripoli, Libya.
Director, Qadhafi Foundation. Son of Muammar
Qadhafi. Closeness of association with regime.
Inflammatory public statements encouraging
violence against demonstrators.*

*On 11 April 2011, the AMLC received from Police Chief
Superintendent Reginald D. Villasanta, Deputy Executive Director of the
Philippine Center on Transnational Crime (PCTC) a letter dated 1 April
2011. The letter refers to the AMLC the request of the Interpol to the NCB-
Manila for information on any financial investigation and freezing that
the Philippine government may have undertaken with regard to the
assets of persons and entities listed in Annex II of UNSC Resolution 1970
mentioned above, as well as Annex II of UNSC Resolution 1973.*

*UNSC Resolution 1973 adopted on 17 March 2011 provides
that:*

"The Security Council,

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

x x x

*Condemning the gross and systematic violation of human
rights, including arbitrary detentions, enforced disappearances,
torture and summary executions,*

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

22. Decides that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and decides further that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 19, 20 and 21 of resolution 1970 (2011);

x x x.”

The persons and entities listed in Annex II of, and whose assets are subject to asset freeze pursuant to, UNSC Resolution 1973 (2011) in relation to UNSC Resolution 1973 (2011) are as follows:

1. *Dorda, Abu Zayd Umar*
Position: Director, External Security Organization
2. *Jabir, Major General Abu Bakr Yunis*
Position: Defence Minister
Title: Major General
DOB: 1952
POB: Jalo, Libya
3. *Matuq, Matuq Mohammed*
Position: Secretary of Utilities
DOB: 1956
POB: Khoms
4. *Qadhafi, Mohammed Muammar*
Son of Muammar Qadhafi. Closeness of association with regime.
DOB: 1970
POB: Tripoli, Libya
5. *Qadhafi, Saadi*
Commander, Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Commander of military units involved in repression of demonstrations.
DOB: 25/05/1973
POB: Tripoli, Libya
6. *Qadhafi, Saif al-Arab*
Son of Muammar Qadhafi. Closeness of association with regime.
DOB: 1982
POB: Tripoli, Libya

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:

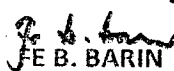
Individuals Listed in Annex II of UNSC Resolution 1970 (2011)	Individuals Listed in Annex II of UNSC Resolution 1973 (2011)	Entities Listed in Annex II of UNSC Resolution 1973 (2011)
Qadhafi, Aisha Muammar	Dorda, Abu Zayd Umar	Central Bank of Libya
Qadhafi, Hannibal Muammar	Jabir, Major General Abu Bakr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

(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)