

Sanction Regulation Against Terrorism 2002 III

*Regulation of 13 August 2002, no.
DJZ/BR/749-02 containing restrictive measures
against specific persons and entities in view of the
fight against terrorism (Sanction Regulation Against
Terrorism
2002 III)*

The Minister of Foreign Affairs,
in agreement with the Minister of Finance;
Paid attention to Resolution 1373 of the Security
Council of 29 September 2001;
Paid attention to section 2, 2nd paragraph, and section
3 of the Sanction Law 1977;

Decision:

Article 1

For the application of what is stipulated in this
regulation, is defined:

- a. *Means*: assets of any nature, judicial documents or
instruments in which ever form, as well as electronic
or digital, from which ownership of or an interest in
similar assets appears, including, yet not restricted to,
bank credits, travel cheques, bank cheques, postal
orders, shares, bonds, bills of exchange, credit papers
and other stocks;
- b. *Freezing of means*: the prevention of mutation,
transfer, correction, use or handling with means in any
form, resulting in the change of their size, amount,
location, owner, possession, distinguishing
characteristics, destination, or other changes
whereby the use of intended means, including
the management of an investment portfolio, possibly
would be made.
- c. *Financial services*: all services of financial nature,
under which all insurance services and insurance-
related services, and all bank services and other
financial services (with the exception of insurances).

Article 2

1. All means which belong to persons or entities,
mentioned in the appendix to this regulation, will be
frozen.
2. It is forbidden to provide financial services for or on
behalf of the persons or entities, mentioned in the
appendix to this regulation.
3. It is forbidden to place direct and indirect means at
disposal of persons or entities, mentioned in the
appendix to this regulation.

Article 3

In agreement with the Minister of Foreign Affairs, The
Minister of Finance can on request grant exemption of
the bans mentioned in Article 2.

Article 4

This regulation is to be cited as:
Sanction Regulation Against Terrorism 2002 III.
This regulation takes effect as of the second day after
the date of the *Staatscourant* in which it is published.

Article 5

This regulation shall be published in the *Staatscourant*
with the accompanying appendix and the explanation.
*The Minister of Foreign Affairs ,
J.G. de Hoop Scheffer.*

Appendix meant in article 2 of the Sanction Regulation Against Terrorism 2002 III

- New Peoples Army (NPA)/
Communist Party of the Philippines)
- Jose Maria Sison (date of birth:
2 August 1938: Ilocos sur, Northern
Luzon; the Philippines)

Explanation

This regulation extends to the implementation
indicated in Resolution 1373 of the Security Council
of 29 September 2001. It is based on article 2,
Second paragraph, of the Sanction Law 1977.

In Resolution 1373, it is among other things
established that all countries must proceed to the
freezing of assets and other financial or economic
means of persons who commit terrorist acts, or
attempt to commit or participate or facilitate the
realization of it.

Besides, the member states must take measures to
forbid to make the financial or economic means
available to persons or provide them financial or other
related services.

In various common stand points of the Council of the
European Union, it is stated that according to the
Council, the fight against terrorism is a priority
objective. In the Common Stand Points of the Council
of European Union of 27 December 2001 nr.
2001/930/GBVB and no. 2001/931/GBVB concerning
the fight against terrorism (Pb EG L 344), the Council
states that the EU is determined – under the auspices
the United Nations – to contribute to the world wide
coalition against terrorism. Furthermore the Council
states that it is determined to deal with the financing
sources of terrorism in close consultation with the
United States.

In order to be able to give comprehensive
implementation to international sanction regulation
aimed at fighting terrorism, the Sanction Law 1977 is
amended; at the same time with the amendment of
the Sanction Law 1977 – in implementation
of By-laws (EG) no. 2580/2001 of 27 December 2001,
concerning specific restriction measures
against certain persons and entities in view of the fight
against terrorism – the Sanction Regulation Against
Terrorism 2002 I became effective. Some time later
the next Sanction Regulation Against Terrorism 2002
II with regard to measures in fighting terrorism
towards EU subjects/entities followed.

While awaiting the decisions which will follow on
European level, in the light of the desirability to
implement Resolution 1373 and the reconfirmation
thereof in aforesaid common standpoints and EG-by-
laws, also considering the need to take quick
measures, the present regulation has been
accomplished.

from: *Staatscourant* 13 August 2002, no. 153 /
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The present sanction regulation extends to (freezing) measures towards the person and the entity which are mentioned in the appendix to this regulation.

The present regulation shall be withdrawn as soon as the community decision with regard to the same matter has taken effect.

The appendix to this regulation contains names which also appear on an 'executive order' which is issued by president Bush of the United States on 12 August 2002.

Article 1

In article 1, under c, 'all insurance services and insurance-related services' as well as 'bank services and other financial services' is mentioned. Hereafter is listed what is understood by that.

Insurance services and insurance-related services

i) Direct insurances (under which co-insurance)

A) life insurance;

B) damage insurance;

ii) reinsurance and retroversion;

iii) insurance mediation, such as services of brokers and agents;

iv) related services of the insurance company, such as giving advice, profession of actuary, risk evaluation and regulation of damage claims.

Bank services and other financial services (not including insurances)

v) acceptance of deposits and other refundable assets;

vi) all sort of loans, under which consumers credits and mortgages, factoring and financing of commercial transactions;

vii) financial leasing;

viii) all payments and monetary transfer services, including credit- and girocheques, travel cheques and money orders;

ix) guarantees and payment obligations;

x) transactions for own account or for accounts of clients, in the exchange or in the market of not listed funds or otherwise in that connection;

A) monetary market instruments (including cheques, stocks, deposit certificates);

B) currencies;

C) derivatives, including forward instruments and options;

D) currency and interest instruments, under which products such as swaps, forward rate agreements;

E) marketable stocks;

F) other marketable instruments and financial assets, including precious metals;

xi) taking part in emissions of various sorts of stocks, including the guarantying and placing of stocks as agent (public or private) and the providing of related services;

xii) financial mediation;

xiii) management of assets, for example cash means or investment portfolios, all forms of management of collective

investments, management of retirement funds as well as safety deposit, deposit and trust services;

xiv) settlement and clearing services for financial assets, including stocks, derivative products and other marketable instruments;

xv) supplying and offering of financial information and processing of financial data and related software by offers of other financial services;

xvi) advice, mediation and other financial related services, belonging to all activities mentioned under v) to and including xv), including credit research and analysis, research and advice concerning investing and investments, advice about take-overs, company reorganization and strategy.

Article 2

The freezing of means, or the direct or indirect providing of means, with reference to the person and the entity that are mentioned in the appendix (first and third paragraph).

The second paragraph forbids the performing of financial services for or in behalf of the person and entity mentioned in the appendix, of whose names came from the 'executive order' which has been issued on 12 August 2002 by President Bush of the United States.

Article 3

This article leaves the option open to provide exemption for exceptional cases (for example for humanitarian reasons).

*The Minister of Foreign Affairs ,
J.G. de Hoop Scheffer.*

¹ Stcrt. 104

² Stcrt. 138

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23 August 2002/hr. DJZ/BR/781-02

The Minister of Foreign Affairs ,
in agreement with the Minister of Finance;

Paid attention to Resolution 1373 of the Security Council of 29 September 2001;

Paid attention to sectio 2, second paragraph, and sectio 3 of the Sanction Law 1977;

Decision:

Sectio I

In the appendix, meant in sectio 2 of the Sanction Regulation Against Terrorism 2002 III, 'Jose Maria Sison (date of birth: 2 August 1938: Ilocos sur, Northern Luzon; the Philippines)' is replaced by: Jose Maria Sison, date of birth: 2 August 1938 in Ilocos sur, Northern Luzon; the Philippines), alias Sison, José Maria C. (nickname: Joma), date of birth 8 February 1939 in Cabugao, the Philippines.

Sectio II

This regulation takes effect as of the second day after the date of the *Staatscourant* in which it is published. This regulation shall be published in the *Staatscourant* with the accompanying appendix and the explanation.

*The Minister of Foreign Affairs ,
J.G. de Hoop Scheffer.*

¹ Stcrt. 153

Explanation

This regulation changes the appendix of the Sanction Regulation Against Terrorism 2002 III. Meanwhile it

is shown that the data of the person, mentioned in the aforesaid appendix, needs a supplementary. Section I of the present regulation stretches to that end.

The Minister of Foreign Affairs,

J.G. de Hoop Scheffer.

from: Staatscourant 23 August 2002, nr. 161 /

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Alteration on Sanction Regulation Against Terrorism 2002 III