



SECRETARIA DE HACIENDA Y CREDITO PUBLICO
COMISION NACIONAL DE SEGUROS Y FIANZAS

México, D. F., 3 de febrero de 2004

OFICIO-CIRCULAR SF- 05/04

ASUNTO: Se da a conocer lista de persona designada por el gobierno de los Estados Unidos de América como organización terrorista.

**A LAS INSTITUCIONES Y SOCIEDADES
MUTUALISTAS DE SEGUROS E
INSTITUCIONES DE FIANZAS**

La Secretaría de Hacienda y Crédito Público, Subsecretaría de Hacienda y Crédito Público, Dirección General de Seguros y Valores, Dirección General Adjunta de Normatividad y Coordinación Sectorial mediante Oficio No. 366-III-E-1014 de 23 de enero último, con fundamento en el artículo 36 de su Reglamento Interior, solicita a esta Comisión dé a conocer a esas instituciones y sociedades, la lista en la que se hace mención a diversos alias de Kurdistan Workers' Party (PKK), persona designada por el gobierno de los Estados Unidos de América como organización terrorista, lista que fue remitida por la Embajada de ese país.

Por lo expuesto, se anexa al presente la lista de que se trata, la cual se da a conocer en su versión original en idioma inglés, solicitándoles lo siguiente:

1. Reporten, por conducto de esta Comisión, a la Dirección General Adjunta de Investigación de Operaciones en términos de la regulación aplicable, aquellas transacciones que pudieran estar relacionadas con la persona señalada en la lista de referencia.
2. En virtud de que dicha persona está vinculada con actividades terroristas, actualizar las hipótesis previstas en nuestra regulación aplicable para prevenir y detectar operaciones de lavado de dinero que fueran consideradas como inusuales, en términos de las Disposiciones de Carácter General a que se

refieren los artículos 140 de la Ley General de Instituciones y Sociedades Mutualistas de Seguros y 112 de la Ley Federal de Instituciones de Fianzas.

3. Permanezcan atentas a cualquier requerimiento de esta Comisión.

Lo anterior se hace de su conocimiento con fundamento en los artículos 108 fracción IV de la Ley General de Instituciones y Sociedades Mutualistas de Seguros, 68 fracción VI de la Ley Federal de Instituciones de Fianzas y de conformidad con el Acuerdo por el que la Junta de Gobierno de la Comisión Nacional de Seguros y Fianzas delega en el presidente la facultad de emitir las disposiciones necesarias para el ejercicio de las facultades que la ley le otorga a dicha Comisión, y para el eficaz cumplimiento de la misma y de las reglas y reglamentos, emitido el 2 de diciembre de 1998 y publicado en el Diario Oficial de la Federación el 4 de enero de 1999.

Atentamente
SUFRAGIO EFECTIVO. NO REELECCION.
COMISION NACIONAL DE SEGUROS Y FIANZAS
El Presidente



LIC. MANUEL S. AGUILERA VERDUZCO

ANEXO



Additional aliases for PKK:

BEGIN LIST

Kurdistan People's Congress (KHK)
People's Congress of Kurdistan
KONGRA-GEL

END LIST

BEGIN TALKING POINTS

-- The United States designated the PKK as a "foreign terrorist organization" in 1997 and re-designated the group in 1999, 2001 and 2003, as provided for under U.S. law.

-- On September 23, 2001, the President issued Executive Order 13224 blocking the assets of individuals and entities named in the order. Among other things, the Order provided the authority to designate individuals or entities that have committed, or pose a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy or economy of the United States. The United States government designated the PKK under E.O. 13224 on November 2, 2001.

-- On December 3, 2002, we amended the FTO and E.O. 13224 designations to reflect the PKK's April 16, 2002 decision to change its name to the Kurdistan Freedom and Democracy Congress (KADEK).

-- The United States Government is again amending its designations of the Kurdistan Workers' Party (PKK) as a foreign terrorist organization (FTO) under Section 219 of the Immigration and Nationality Act, as amended, and under EO 13224 to include three additional aliases:

KURDISTAN PEOPLE'S CONGRESS (KHK)
PEOPLE'S CONGRESS OF KURDISTAN
KONGRA-GEL

-- On November 11, 2003, KADEK announced that it "is being dissolved in order to make way for a new, more democratic organisational structure that allows for broader participation." News reports from the same day, citing KADEK sources, said that the new name of the organization would be the Kurdistan People's Congress (KHK or KONGRA-GEL).

-- Despite claims by PKK officials that "its armed struggle is over," the PKK/KADEK/KONGRA-GEL continues to plan and engage in terrorist activities, and retains the capability and intent to engage in terrorist activity or terrorism. PKK/KADEK/KONGRA-GEL has further committed, or

poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy or economy of the United States.

-- We do not plan to submit to the UN 1267 Sanctions Committee these three names for inclusion in the consolidated list of entities/individuals whose assets UN member states are obligated to freeze pursuant to UN Security Council Resolutions 1267 and 1390, as it does not appear based on available information that PKK/KADEK/KONGRA-GEL has links to the Taliban, Usama bin Laden, or al Qa'ida.

-- If you have information that establishes the necessary links, we would be interested in receiving that information through appropriate channels and will reconsider submission to the UN if sufficient links are established.

-- The international coalition to combat terrorist financing has been a joint effort involving many different countries. Together, we are continually strengthening the necessary institutional and regulatory infrastructure to bar access to the financial system of terrorists and their financiers. We welcome further dialogue on these issues.

END TALKING POINTS

Background on PKK

The PKK was founded in 1974 as a Marxist-Leninist insurgent group primarily composed of Turkish Kurds. The group's goal has been to establish an independent Kurdish state in southeastern Turkey, where the population is predominantly Kurdish. In the early 1990s, the PKK moved beyond rural-based insurgent activities to include urban terrorism. Turkish authorities captured Chairman Abdullah Ocalan in Kenya in 1999; the Turkish State Security Court subsequently sentenced him to death. In August 1999, Ocalan announced a "peace initiative," ordering members to refrain from violence and requesting dialogue with Ankara on Kurdish issues. At a PKK Congress in January 2000, members supported Ocalan's initiative and claimed the group would now use only political means to achieve its new goal, improved rights for Kurds in Turkey. On April 16, 2002, PKK officials announced that the organization had changed its name to the Kurdistan Freedom and Democracy Congress (KADEK) and would regroup as a new politically oriented organization. However, the senior officials also announced that the PKK's armed wing, the People's Defense Force, would not disband. Despite the leadership's claims, PKK/KADEK continues to operate under the same leadership and with the same aim of engaging in terrorist activity.

END BACKGROUND

BACKGROUND PAPER SUPPORTING AMENDMENT

On November 11, 2003, KADEK announced that it "is being dissolved in order to make way for a new, more democratic organisational structure that allows for broader participation." News reports from the same day, citing KADEK sources, said that the new name of the organization would be the Kurdistan People's Congress (KHK or KONGRA-GEL). KADEK reportedly reached this decision at its 2nd Extraordinary Congress, held October 26, 2003, in northern Iraq. According to press reporting, KADEK Chairmanship Council member Cemil Bayik told the Congress that the Kurdish freedom and democracy struggle, which began with the PKK and continued with KADEK, will now be represented by the new organization. In announcing the name change, representatives of the organization reiterated its right to "self-defense" and stated that its military arm, the "People's Defense Forces," will be retained.

The statements "On the Dissolution of the KADEK" and "Final Declaration of the Foundation Conference of the People's Congress of Kurdistan (KONGRA-GEL)," which appear on KADEK's website, confirm the name change. Numerous Turkish and international press reports, from sources such as Ankara Anatolia, Istanbul Milliyet, CNN Turk Television, have also amply documented the name change.

PKK/KADEK/KONGRA-GEL members and leaders continue to engage in terrorist activities in an effort to pressure the Turkish government. On November 18, 2003, Kurdish protestors, evidently PKK/KADEK/KONGRA-GEL supporters, stormed Istanbul's main courthouse while shouting slogans in support of jailed PKK/KADEK/KONGRA-GEL leader Abdullah Ocalan, and took several judges hostage. The judges remained captive until Turkish police overpowered the PKK/KADEK/KONGRA-GEL supporters. Zubeyr Aydar, newly elected leader of the People's Congress of Kurdistan, was quoted by Agence France Press as supporting the action: "I hail this operation which falls within the framework of our campaign of pressure on the Turkish authorities for the release of Abdullah Ocalan." According to various press reports, PKK/KADEK/KONGRA-GEL has been suspected of conducting other terrorist attacks in Turkey during November 2003, including a hostage-taking incident in central Turkey and a grenade attack on police in eastern Turkey. Moreover, Turkish police have reportedly seized C3 and C4-type explosives, bomb-manufacturing formulas, and action plans in a series of arrests of

PKK/KADEK/KONGRA-GEL members in mid-November 2003.

PKK/KADEK/KONGRA-GEL's own statements, on its website and to the media, make clear the organization's fundamental continuity and identity under the names Kurdistan Workers' Party (PKK), Congress for Freedom and Democracy in Kurdistan (KADEK), and now Kurdistan People's Congress (KHK), also known as KONGRA-GEL. KONGRA-GEL's "Final Declaration of the Foundation Conference," dated November 15, 2003, refers to Abdullah Ocalan as their leader, and states that "with nearly 30 years of struggle based on the heroic sacrifice of countless fighters, our movement has become a formidable force for political and social change throughout the Middle East." The organization's statements also reflect a continuity of its basic policies. The Declaration notes that "The 'Road Map' announced by KADEK in August 2003 has been adopted by KONGRA-GEL as a reasonable framework for a democratic solution to the Kurdish question, but the time schedule of it has been revised." The organization's websites also demonstrate a common identity under different names; logging on to www.pkk.org in November and December, 2003 automatically took the reader to the KADEK site, which prominently featured the KONGRA-GEL's November 15 Declaration.

END BACKGROUND PAPER