

FINANCING TERRORISM WITH SPECIAL FOCUS ON THE INFORMAL REMITTANCE SYSTEM CALLED HAWALA**A TERRORIZMUS FINANSZÍROZÁSA KÜLÖNÖS TEKINTETTEL A HAVALÁRA, MINT INFORMÁLIS PÉNZTOVÁBBÍTÁSI RENDSZERRE**

The nature of terrorism has been changed significantly at the beginning of the 21. century. Due to the globalisation tendencies, the wars in the Middle-East, the rapid development of mass communication and technology, the widening access to the Internet and to the effects of the media an accelerated spread of extremist ideologies have been witnessed with the use of new and more destructive methods, with not only military but civilian population targets as well. A terrorist attack might happen anywhere, anytime. All these phenomena urge the need for solution to liquidate terrorism.

The most effective way in fighting terrorism is to eliminate its pecuniary and economic background together with hindering its finance. As a result of strict regulations on official cash flow, criminals and terrorists are forced to find ways of transferring money from one part of the world to the other which remains invisible to authorities. Although hawala is flourishing, other anonymous ways of money transfer have appeared on the Internet.

The aim of this study is to introduce hawala, revealing the risks it constitutes in financing terrorism, and -in general- in financial operations linked to illegal activity.

A 21. század kezdetével a terrorizmus is megváltozott. A világ globalizálódása, a közel-keleti háborúk, a technika, ezen belül is a tömegkommunikáció fejlődése, az internet elterjedése, valamint a média hatására megfigyelhető a szélsőséges ideológiák gyors terjedése, új, nagyobb pusztítást okozó módszerek alkalmazása, a katonai célpontok mellett a civil lakosság támadása. Terrorista akciók bekövetkezhetnek bárhol és bármikor. Mindezen jelenségek megoldást sürgetnek a terrorizmus felszámolására.

A terrorizmus elleni harc egyik leghatékonyabb eszköze a pénzügyi-gazdasági háttérének felszámolása, illetve a finanszírozás ellehetetlenítése. A hivatalos pénzforgalom szigorú ellenőrzése következtében a bűnözők és a terroristák is olyan pénztovábbítási lehetőségeket keresnek, amelyek alkalmasak arra, hogy úgy juttassanak el pénzüsségeket a világ másik pontjára, hogy arról a hatóságok ne szerezzenek tudomást. Reneszánszát éli a hawala, de mellette megjelennek az anonim pénztovábbítás interneten történő formái is.

Jelen tanulmány a havalát mutatja be, rávilágítva arra, hogy milyen kockázatot rejt a terrorizmus finanszírozásában, és általában az illegális tevékenységekkel kapcsolatos pénzügyi műveletek során.

INTRODUCTION

International terrorism and organized crime have grown into a size of unprecedented proportions. These two phenomena have become fully connected, mutually providing support to reach their goals. In general terms, terrorism fights to spread an ideology, to build up ethnic conditions favourable from its point of view, whereas organized crime is to acquire material assets to use them in obtaining political and legal economic power.

Both terrorism and organized crime effectively make use of the opportunities globalisation provides. The „shrinking” world, the professional use of high tech appliances and advanced electronic communication channels have led to new forms of crime. Terrorism itself has changed, meanwhile anti-terrorist and law enforcement authorities around the world have acted in a more and more organized way against these two phenomena, which requires legal harmonization, military and law enforcement co-operation and coordination.

The primary intentions are to explore and distract the economic and financial basis of illegal activity (both terrorism and organized crime), to obstruct financing and to explore and cut money flow channels.

The funding and remittance systems of these terror and criminal organizations are adjusted to the technological standards of these days. Conventional methods are still in use, however, modern 21 century technologies have been introduced and applied. Beside crimes committed earlier, cheating and blackmailing on the Internet are the ways of raising funds and the proven hawala, electronic and digital money are used to transfer funds.

THE CHANGE IN TERRORISM

Contemporary terrorism started at the end of the 1960's. The political and economic changes welfare societies in Europe went under launched a wave of modern age revolution which resulted in the extensive spread of extreme left revolutionary ideologies. The best known representatives, the Italian Red Brigades and the West-German Red Army Fraction (Rote Armee Fraction – RAF) are the products of this process. Beside arson, bomb attacks and homicide committed by firearms, their activity is mainly characterised by kidnapping and other forms of blackmail – all in order to collect ransom. Most of their operation is financed from such funds while the rest is from common crimes, theft and robbery. Imprisonment in many cases and the effective counter action have made terrorism a costly "profession" which at the same time has resulted in a more organized activity on the terrorists' side. Since the turn of the century, terrorism has changed. The terrorists of our times are faceless and with their focused bomb attacks their goal is to most unexpectedly and destructively eliminate the target. Their strategy of choosing targets has changed, too. Attacks in the 19-20 centuries were particularly carried out against rulers and church leaders. Today, in addition to typical military targets, civilian targets, objects, and events are attacked, where potentially a large number of people take part. Terrorist attacks on markets, shopping centers, hospitals, sporting events often result in significant civilian casualties.

Globalization, too, has had a significant effect on the change of terrorism. The flow of information, goods and capital has accelerated, and is realised intercontinentally, which brings the peoples of the world closer both in time and space while mutual dependence develops among them, on the other hand the economic gap between modern and poor countries is becoming deeper. This not only led to the latest manifestation of terrorism, called ecoterrorism, but also boosted and helped the activity and cooperation of regular terror organizations. By taking advantage of the opportunities of contemporary communication, not only terrorist organizations like cell operation will be re-interpreted, but new light has been thrown upon their training activity, the spread of information, ideologies and recruitment.

Globalization has obviously influenced organized crime. The term **cross-border international organized crime** developed in the late 1980's, which meant that national law enforcement authorities had to face new challenges. Beside INTERPOL, which was established in 1923, the EU founded EUROPOL (European Police Office) in 1985 to set its goal as the harmonization of legal possibilities for effective action against crime, the creation of a common EU criminal database, the preparation of analyses together with the rapid transmission of information and the promotion of practical cooperation.

Evidently, the degree of cooperation between terror and crime organizations nowadays has never been witnessed before.

The third, statistically detectable reason for the change related to the new manifestations of terrorism lies in the Middle-East wars. The long-continued war in Afganistan has lead to national guerilla war and asymmetric warfare, which is characteristically fought by terrorist groups, outlaw forces fighting for freedom using different methods. This kind of warefare is mainly know for suicide bombing, attacking convoys by home-made explosives. Media also has had and still has major influence on the transformation of terrorism. Live coverage on terror attacks enhances their psychological effect, thereby also help in achieving the goals of terrorist organizations. The radio and TV channels, the websites and the contents of the material uploaded to the internet contribute to spreading new ideologies and to the rapid communication between organizational units.

The most effective tool in the fight against terrorism and criminal organizations is undermining their funding and economic background. As a result of stricker bank regulations, terror and crime organizations extensively use hawala as their means of money transfer, at the same time, they use anonymous remittance systems (Bitcoin,¹ Ukash, Paysafecard²) on the Internet to carry our payment and purchasing.

HAWALA IN WORK

Hawala is an informal remittance system based on the traditional religious values of the early Middle Ages, personal relationships and trust. Its point is to create between two people or businesses in different countries the transmission of funds in a few minutes. Since its operation is outside the bank system, it is practicable in countries where there is no bank system, or it is functioning in an unreliable manner. It is widespread at places where for geographic reasons building a bank is impossible or not worthwhile, or at places where people living in poverty cannot travel to the banks.

It may be best to review its operation through a practical example.³

A Pakistani migrant in London wants to transfer 2000£ to his family in Karachi. One option is to choose the bank system, the other is hawala. The bank charges substantial referral fee for the transaction, in addition it is costly to exchange to rupees - possibly even using intermediate currency. If he is to pick the second option, he looks up a hawala agent (hawaladar) in London and before he gets a password in return, he hands over the transaction fee and the money he would like to send. The password then is provided to the family who meet a hawala agent in Karachi, reveal the password and then receive the money in rupees. Unlike regular bank transaction fees and realised foreign exchange loss, the average transfer fee ranges between 0.25 and 1.25 percent.

The system is obviously a lot more complex than this only transfer. The direction of the cash flow might be the opposite – there is someone who wants to send money to London from Karachi.

The procedure is the same, but in reverse. The London hawala agent practically hands over the same money to a Pakistani student studying in London in pounds that he received from the other Pakistani. You can see that cash flow is not done, the money actually remains in London and Karachi.

The system is built up of thousands of such transactions.

There are only theories how settlement between brokers exactly works. Some experts say that at certain intervals all the brokers settle with each other. Other researchers assume that there must be some cash flow involved. It is most likely that a combination of these two operates the settlement system.

Approaching the process on a purely technical basis, of course we can see that merely the fact that *the money does not really leave the dispatch location* does not distinguish hawala from the banks and money sender remittance

¹ Bitcoin: Unofficial, virtual money.

² Paysafecard, Ukash: Electronic money.

³ A longer version of the example can be found: The Hawala Alternative Remittance System and its Role in Money Laundering <http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/FinCEN-Hawala-rpt.pdf>, pp. 5-7. (Download: 22. July 2013)

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companies, since in the latter cases money is not moved from England to Somalia either. The advantages of hawala lie in all other "differences", and basically in its informality.

Using hawala has numerous advantages.

The first is a very reasonable price. There are no bank or exchange costs. The hawala agent's activity is non-bureaucratic, no office buildings and other infrastructure networks are operated. In general, they have no offices, most of the time they are found in cafes or do their brokerage activities running their small investment legal business enterprises (such as gyros maker or other catering units, barber shop, diary shop, internet cafe). His tech device needs are a (mobile) phone, a fax machine, or perhaps a computer.

Hawala transactions are organized very fast (usually within 24 to 48 hours, or even sooner) and bank holidays, weekend days, different time zones are need not be taken into account.

Occasionally, money might "disappear" in the banking systems, which they find later or on transferring money an intermediary bank must be brought in, unrealistically slowing the processes down. In contrast, hawala agents know and trust each other, there are no obstacles, the money can even get to the recipient living in the most remote village of Somalia. Trust is an important component of the system, but it is based on traditional law. In some countries even today cutting off the hand is the punishment for stealing.

Consequently, the users of hawala are not „depressed” by the lack of cumbersome administrative background. *The system does not require opening a bank account*, the origins of the money are not inquired and the user will be invisible to any tax authorities.

Cultural factor is not negligible either. There are Asian and African colonies living in several European cities that cannot and do not want to visit western banks at all- often due to the lack of language knowledge or cultural differences. Women, wives living according to traditional religious values have minimal relationship with their environment. It is an obvious choice for them to transfer money with hawala agents.⁴

The anonymity of hawala is not a primary concern to legal users of the system, but to those with criminal intent it is crucial. The correct operation of the system is ensured by its criminalized background.

The overall conclusion is that hawala is extremely user-friendly.

We do not even have estimates on the amount of money transferred through hawala. The volume might be inferred taking the growing number of migrants and foreign workers. However based on contradictory estimates, it is likely that informal money transfer make up about one-third of the global transfers. This one-third in 2002, according to the U.S. Treasury Department, was approximately \$ 115 billion.⁵

The amount of money flowing through hawala and its diverse applications can be illustrated with three examples:

According to estimates, for example, 40 percent of the national income of Somalia – lacking an operating bank system – is moving through hawala.

The Somali Telesom mobile phone company in its Zaad package has an application offering to its customers the use and constant status check of hawala over their mobile phones. (The mobile payment system was first introduced in Kenya by Safaricom company under the name M-Pesa. Its objective was to ensure an easy repayment method for public micro-credits. The mobile phone SIM card data serve as the user's "bank data." With the help of this application, the SIM

⁴ The World Bank And The International Monetary Fund: Informal Funds Transfer Systems: An Analysis of the Informal Hawala System (joint publication of The World Bank and The IMF, 21 March 2003) http://www-wds.worldbank.org/servlet/WDSContentServer/WDS/IB/2003/05/03/000094946_03041904002082/Rendered/PDF/multi0page.pdf (Download: 4 September 2013)

⁵ Charles B. Bowers: Hawala, Money Laundering, And Terrorism Finance: Micro-Lending As An End To Illicit Remittance in Denver Journal of International Law And Policy, Volume 37 No 3, 2008-2009. p. 382 <http://dijlp.org/wp-content/uploads/2011/08/Hawala-Money-Laundering-Terrorism-Finance-Micro-Lending-End-Illicit-Remittance-Charles-B-Bowers.pdf> (Download: 2 July 2013)

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card holder can carry out financial operations, transfers, purchases through the system. Meanwhile, this payment option spread to many countries. Using fraud data to hold SIM cards enables these holders to access in a literally uncontrollable way the system with illegal purposes.)

According to Shaukat Azziz, former Vice President of Citibank, and later Pakistan's Finance Minister and Prime Minister, the annual amount of money transferred through hawala is larger than the amount flowing into the country from abroad through trade banks.⁶

In countries where the banking system does not work due to conflicts, international non-profit organizations (NGO⁷-s), instead of taking the risks of dangerous cash flow, use hawala to transfer money to the country. Humanitarian actions in Afghanistan were financed in this way, the amounts received generally ranged between one hundred thousand and one million dollars. Hawala agents in Kabul did not limit the amounts they paid to NGOs.⁸

Overall, among the tens of thousands of legal transfers the money flow used for illegal purposes remain invisible.

HAWALA FOR ILLEGAL PURPOSES

The activity is basically legal. Originally it was invented not for crime but very practical reasons. It is no coincidence that a number of countries around the world have used similar systems operating in the same manner.⁹ However, in general, the original goal was that traders did not want to carry cash during the long journeys across dangerous areas, therefore they "sent" their own money that they took over when they arrived in another city.

Typical illegal forms of hawala:

- Terror Financing;
- Money-laundering;¹⁰
- Avoiding taxes;
- Paying for illegal activity or goods.

Another reason for the spread of hawala-like systems is that they can be used to pay for goods. In this case, the seller in Pakistan sends the goods to the Netherlands. The recipient of the goods hands its value to the Dutch hawala agent whose relationship in Pakistan then pays to the seller. Drug dealers still widely use this payment method today.

The Indian and Pakistani usage distinguishes "white hawala", which means the legitimate usage of hawala and "black hawala", covering the use for criminal purposes.¹¹

The reason for the flourishing use of hawala in the past decades is that strict regulations on official cash flow forced criminals and terrorists to find ways of transferring money from one part of the world to the other which remains invisible to authorities. The illegal use of hawala is a very complex process. Hawala agents form a worldwide network including tens of thousands of people. Most clients transfer legal income. They numerically far outweigh the number of those with criminal purposes, however the amounts they send are usually very low. On the other hand, significant amount of money

⁶A nation challenged: The Financing; Ancient Secret System Moves Money Globally <http://www.nytimes.com/2001/10/03/world/a-nation-challenged-the-financing-ancient-secret-system-moves-money-globally.html> (Download: 4 July 2013)

⁷ NGO: Non-governmental Organisation

⁸Arya Hariharan: Hawala's Charm: What Banks Can Learn From Informal Funds Transfer Systems in William & Mary Business Law Review Volume 3 Issue 1 Article 8, p. 290. <http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1036&context=wmbllr> (Download: 4 October 2013)

⁹Hawala and similar systems in the world according to their geographical location: Hawala: India, UAE, Middle-East; Hundi: Pakistan, Bangladesh; Fei ch'ien ("flying money"): China; Phoe kuan: Thailand; Hui k'uan and Ch'iao hui: Mandarin Chinese; Nging sing kek: Kanton Chinese; Chop shop: foreigners use the term for the Chinese method; Hui or hui kuan: Vietnamese in Australia; Door to door and padala: Philippines; Black market currency exchange: South-America, Nigeria, Iran; Stash house. Source: Emiko Todoroki, Informal Funds Transfer Systems, PPT, The World Bank, 18 April 2006, http://www.fintraca.gov.af/assets/ppt/EmikoNewfiles/Todoroki,Emiko_IFTS_%20Apr_18_2006.ppt (Download: 10 October 2013)

¹⁰Patrick M. Jost, Harjit Singh Sandhu: The Hawala Alternative Remittance System and its Role in Money Laundering, <http://www.treasury.gov/resource-center/terrorist-illicit-finance/Documents/FinCEN-Hawala-rpt.pdf> (Download: 6 September 2013)

is transferred through hawala by criminals, criminal organizations and terrorist groups, therefore, keeping the "bank secrets" in the sector is everyone's primary interest.

The terrorist organizations and criminal networks are also connected to each other, support each other in logistic services and financial / funding. In hawala, therefore, merges legal with illegal, "money for money" and "money for goods," weapons and drugs, and money laundering, usually associated with such activities.

Naresh Jain, captured in India in 2009, conducted hawala activity in all five continents of the world. Among his clients there were terrorists, drug dealers. Naresh's organization was capable of laundering approximately \$ two billion per year, according to authorities.¹²

Illegal fields of hawala are mainly money laundering, financing terrorism, drug trafficking, for (organized) criminal gangs, dislocation of illegal money, smuggling and tax evasion.¹³

HAWALA AND FINANCING TERRORISM

The issue of financing terrorism¹⁴ has been a very intensely researched topic over the past 10 years. The concept itself that the material bases of terrorism must be eliminated is not new. Based on international standards, financing terrorism does not merely mean an act of funding terror actions, but also includes the support services provided for terrorist individuals or groups to help their daily livelihood.¹⁵ The problem is further generalized since it is not possible within the framework of this study to discuss the different organizational structures of terrorist groups. It is clear that a different financing system is applied in military organizations operating locally in their homeland to ensure with terrorist methods the smooth production and transport of drugs (drug terrorism), such as the Colombian FARC,¹⁶ than the globally active, cell-like structured terrorist groups, for example Islamic terrorist organizations.

Sources of financing terrorism include:

- State funding;
- Income from the legitimate business activities of a terrorist organization;
- Illegal income from cooperation with organized criminal groups (eg, kidnapping, human trafficking, production and distribution of drugs, trafficking, arms trafficking);
- Donations from associations, churches;
- Donations received from radicalized communities;
- Zakat;¹⁷
- The internet fraud, blackmail.

All of these funds might be transferred through the informal systems of hawala.

Terrorist organizations apply asymmetric¹⁸ warfare in their operational activities. The most privileged among their tools are suicide and various other bombings, kidnappings, rocket attacks. These actions are very inexpensive, the costs compared to the number of injuries and loss of life caused are insignificant.

¹²<http://www.origo.hu/nagyvilag/20091213-naresh-jain-hawala-drogbandak-es-terroristak-bankara.html> (Download: 6 September 2013)

¹³The World Bank And The International Monetary Fund: Informal Funds Transfer Systems: An Analysis of the Informal Hawala System (joint publication of The World Bank and The IMF, 21 March 2003) pp. 19-21. http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2003/05/03/000094946_03041904002082/Rendered/PDF/multi0page.pdf (Download: 4 September 2013)

¹⁴Financial activity of any kind to support terror actions, financial support of people promoting or participating in terrorist activities. It may be financial share, cash(bills), insurance(s), deposit(lockup). Source: Wesley J. L. Anderson: Disrupting Threat Finances: Utilisation of Financial Information to Disrupt Terrorist Organisations in the Twenty-First Century, School of Advanced Military Studies, Kansas, 2007. p. 8. http://books.google.hu/books?id=7ROwy6z_tyMC&printsec=frontcover&num=100&hl=hu#v=onepage&q&f=false (Download: 4 October 2013)

¹⁵Act C 2012—Criminal Law of Hungary

¹⁶FARC (Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo), Columbian terror organization

¹⁷zakat: tax paid by Islamic religious believers

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According to István László Gál, only 10 percent of the revenue of terrorist organizations is allocated to the costs of activities, the rest is "operational" costs and the support¹⁹ paid to the family of terrorists, so the remaining ninety per cent is to be forwarded to its destination through informal remittance channels.

SUMMARY AND CONCLUSIONS

Hawala is a world-wide informal money transfer system. Due to its cost-effective nature and easy accessibility, its use will certainly not fade in the future. Beside legal use, associated criminal purposes constitute global security risk. Plans and strategies have been built up to regulate and control its operations. The legislation is not uniform. Some countries use the term informal financial activities (outside the banking system) where hawala is classified. The legal systems of other countries, on the other hand, treats it as *unauthorized financial activity*, which is to be prosecuted. The UAE Central Bank has been a pioneer in controlling hawala over years. The Abu Dhabi Initiative suggests free registration of hawala agents and the registration of users' data and transaction records.

The FATF²⁰ is currently treating hawala as priority area requiring action and released a study in October 2013, which might harmonize international action against illegal hawala activity in the future.

Keywords: Terrorism, financing terrorism, organized crime, hawala

Kulcsszavak: Terrorizmus, terrorizmus finanszírozása, szervezett bűnözés, hawala

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¹⁸Party employing asymmetric: simple, often unusual means for a great result; leverages the power of the opposing party, as its main weakness, strives to maintain a minimum exertion on the maximum result, does not need a large military force, bureaucratic headquarters, the staff small forces enable rapid decision-making and successful action, does not fight face-to-face because it does not possess sufficient military capabilities. Source: Resperger István: *Az aszimmetrikus hadviselés és a terrorizmus jellemzői*, *Hadtudomány*, 2010/4 p. 72.

¹⁹Source: Gál István László – *Ki fizeti a terrortámadásokat?* (100 dollár egy emberélet), 5 March 2010, http://www.hetek.hu/interju/201003/ki_fizeti_a_terrortamadasokat (Download: 5 October 2013)

²⁰ FATF: Financial Action Task Force – an informal international organization against money laundering grown out of OECD

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