

THE IMPACT OF IFAS AND IFA TECHNIQUES ON
REDUCING HUMAN TRAFFICKING AND TERRORIST
FINANCING IN AFRICA

Research Project for Emerging Issues/Advanced Topics Course

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1. Acknowledgement

The Author of this paper would like to acknowledge the suggestions made by Eric-Christopher Desnoyers and Jennifer Fiddian-Green during the research of this paper.

2. Keywords

ACFE - Association of Certified Fraud Examiners

AML – Anti-money Laundering

AU – African Union

CTF – Counter-Terrorist Financing

DRC – Democratic Republic of Congo

FATF – Financial Action Task Force

FINTRAC – Financial Transactions and Reports Analysis Centre of Canada

IFAs – Investigative Forensic Accountants

ILO – International Labour Organization

IOM – International Organization for Migration

UNODC - United Nations Office on Drugs and Crime

3. Introduction

3.1 Overview

Investigative Forensic Accountants (IFAs) have developed and are continuously developing skills and knowledge that will allow them to be part of Financial Fraud investigations. They have performed investigations and testified as experts in many cases involving money laundering and other financial crimes over the years, especially in the US and Canada. Some high profile cases include the Enron scandal and WorldCom fraud case.¹ The role of Forensic experts have been pivotal in such cases and shows how unique an IFAs skillset is.

Forensic Investigations have predominantly been conducted on Large private firms and Government organisations, where very complex financial transactions have been involved. The skills IFAs possess are unique to other accounting professionals. IFAs are more equipped with financial investigative skills and are more familiar with legal concepts, testifying in court being one of their expertise. Across the world, IFAs are being more appreciated and as such, IFAs are being approached more to be part of investigations. IFAs have also performed loss quantifications as part of the duties they perform.

A question arises as a result of this increased popularity of IFAs, to what extent can the IFAs provide their skills and techniques to impact major crimes that are fuelled by Fraud? To further understand this question, an understanding of the term “Fraud” are required. As per the Association of Certified Fraud Examiners (ACFE), Fraud is defined as “any activity that relies on deception in order to achieve a gain”.² Fraud is subdivided into Corruption, Asset Misappropriation and Financial Statement Fraud, as per the ACFE Fraud tree. The Fraud tree

¹ L.S Rosen, “CAP Forum on Forensic Accounting in the Post-Enron World”, (p.277), 2006

² “Fraud 101: What is Fraud”, ACFE Website, 2023

has been created as a tool which classifies every type of occupational fraud and has been provided as illustration 1.0.³

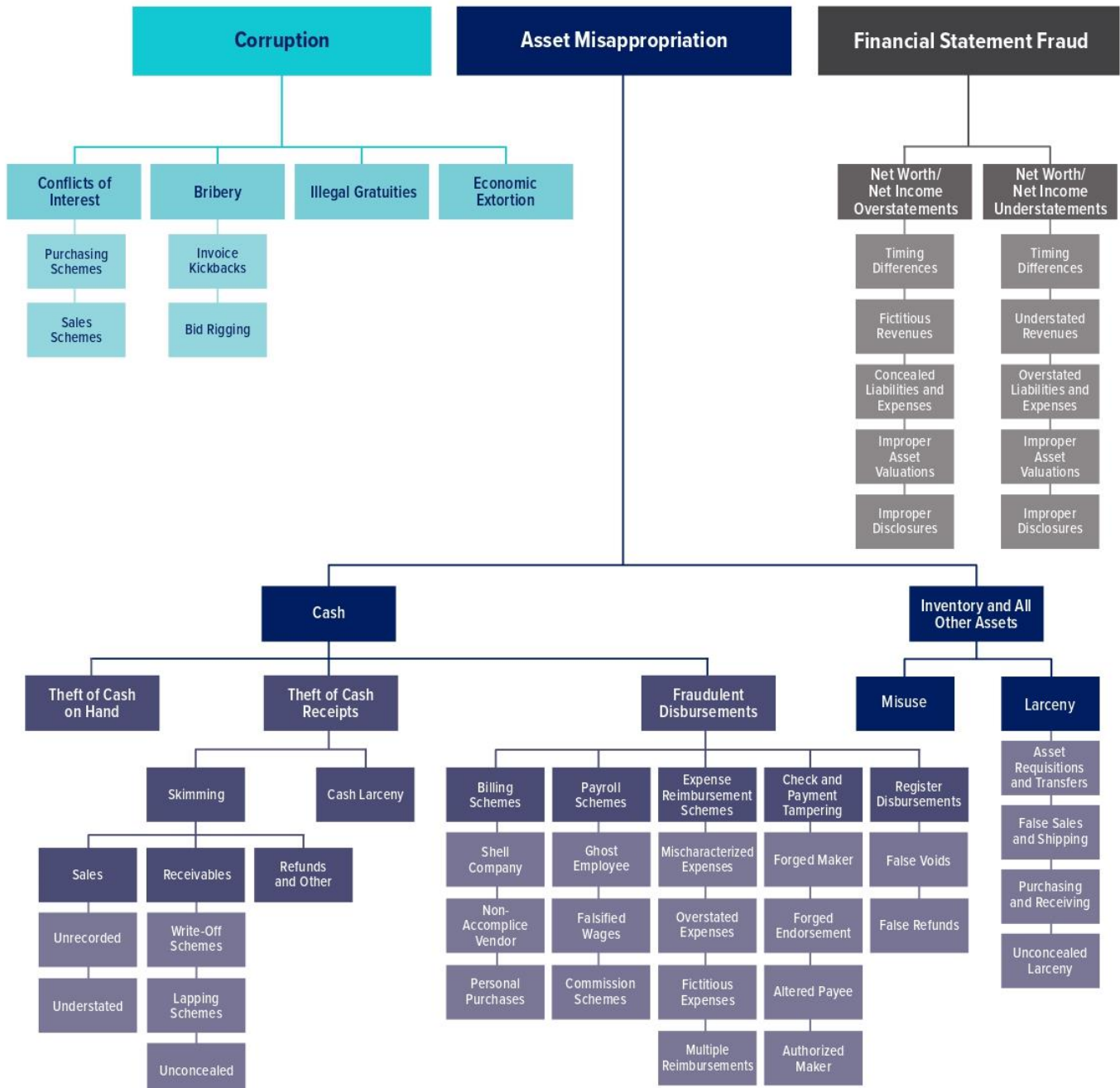


Illustration 1.0

³ Fraud Tree, "Fraud 101: What is fraud?", ACFE, 2023

There are many major crimes that are fuelled by Fraud, and two that will be the focus of this paper, which have been wreaking havoc for decades across the world are human trafficking and terrorist financing. In terms of human trafficking there needs to be the means of abducting the victims and to deliver them to the intended final destination. In terms of Terrorism, there is a need to cause harm with specialised devices, specialised hardware, software, or potential ransom (hostage) situations, through the use of terrorist financing. The funding for such crimes can be in the form of illegal means or channelled through legal means, in other words, money laundering.

The funds to perform these crimes and the proceeds made are usually obtained and held in a discreet manner to avoid detection. Majority of these transactions would be in cash, transfers to foreign accounts, or by even using cryptocurrency. The main objective of the culprits would be to transact and conduct business without drawing attention to the fact that funds are from criminal activities.

It is possible to assume that if the sources of these funds as well as transaction history could be traced to some extent, the groups involved in these crimes could be potentially identified and prosecuted, thus ultimately creating a greater good for society. This is a task an IFA could potentially assist in, but to date it is not clear how an IFA can actually reduce the impacts of these crimes using their unique skills, particularly in Africa.

3.2 Objectives

The objective of this paper is to provide an understanding of what Human Trafficking and Terrorist Financing is and what has been done to reduce/impact these in terms of predominant policies and procedures. Once an understanding has been obtained, this paper will explore what Investigative Forensic Accountants are, what their specialised techniques are, and what they

can do to also reduce/impact Human Trafficking and Terrorist Financing, in the context of Africa.

3.3 Methodology

Searches have been conducted on Journal Articles, books, research conducted by other individuals and credible public sources to address the objectives stated above. Discussions were also conducted with Eric-Christopher Desnoyers and Jennifer Fiddian-Green on possible strategies to use, upon which ideas were generated and explored in this paper.

4. The History of Human Trafficking

4.1 Overview of human trafficking and general history

Human trafficking is a term that has been used for many activities, without much clarity over the years. There have been associations with events where people, predominantly women and children, have been sexually exploited. It has also been associated with activities such as human smuggling, which have their own definitions. Human trafficking involves many more activities and as such, it is evident a definition is required to properly understand what human trafficking entails.

Human trafficking has been labelled by many scholars as “Modern-day slavery”. The United Nations Office on Drugs and Crime have defined human trafficking as “the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit”.⁴ Human trafficking can be divided into 3 core elements: the act, the means and the purpose. A more detailed description of the elements has been provided below, illustration 2.0.⁵

⁴ “Human trafficking”, UNODC, 2023

⁵ “The crime”, UNODC, 2023

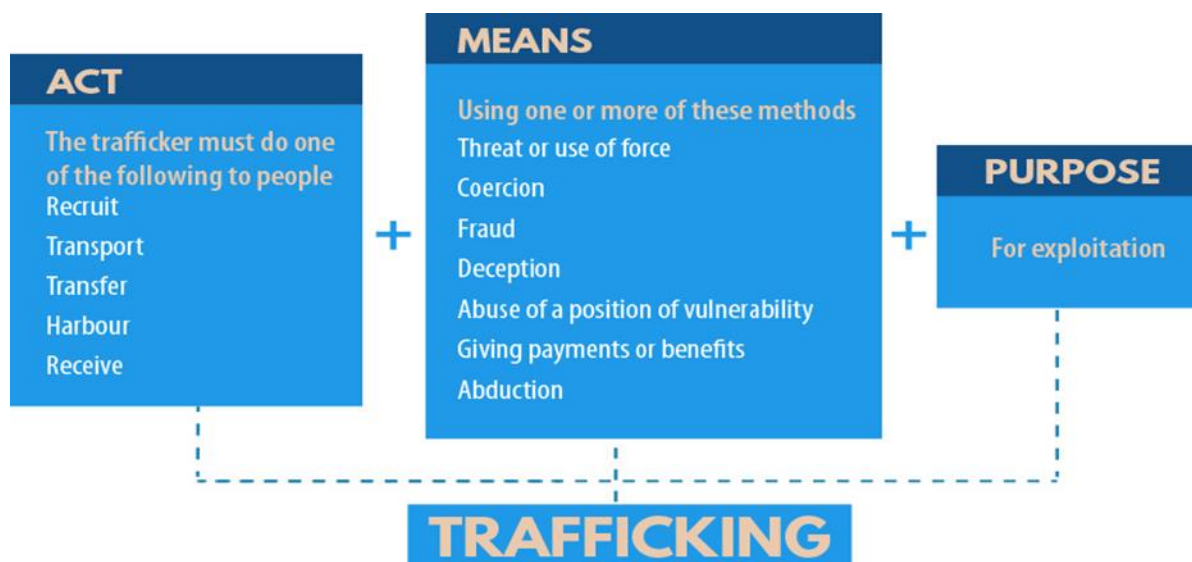


Illustration 2.0

The traffickers are inhuman to their victims most of the time. UNODC provides a description of this inhuman behaviour, they bring about “physical and sexual abuse, blackmail, emotional manipulation, and the removal of official documents are used by the traffickers to control their victims. Exploitation can take place in the victim’s own country, during migration or in a foreign country.”⁶

The main purpose of human trafficking is to exploit and profit from individuals, through sexual slavery, forced labour and forced marriages. Human trafficking is generally synonymously used with people smuggling. There is in fact a difference between the two terms, as people smuggling includes the consent of the person being smuggled.⁷ Human trafficking has millions of victims across the world and is considered a huge violation of human rights.

Traffickers target victims who are in difficult circumstances. Undocumented migrants and people who are in desperate need of employment are particularly vulnerable to trafficking, predominantly for forced labour and sex slavery. Children, especially girls are targeted by

⁶ “ Human trafficking and migrant smuggling”, UNODC, 2023

⁷ John Salt, “Trafficking and human smuggling: A European perspective”, 2000

traffickers. Traffickers target children from extremely poor households, dysfunctional families or those who are abandoned with no parental care.

As per the UNODC Global Report on Trafficking in Persons (2020), there are certain trends in relation to human trafficking in countries, which are based on varying levels of income. In low-income countries, children make up half of the victims detected. These victims are mainly trafficked for the purpose of forced labour. In higher income countries, these victims are trafficked mainly for sexual exploitation, forced criminality or begging.⁸ The Human trafficking industry is considered to be a significantly commercialised industry. Louise Shelley (2010) had stated in her book, *Human Trafficking: A Global Perspective* that “Human trafficking is the third largest crime industry in the world, behind drug dealing and arms trafficking, and is the fastest-growing activity of trans-national criminal organizations”.⁹ Over the years, this industry has kept growing and is still one of the largest crime industries in the world.

Human Trafficking has been occurring for centuries. The history of Human Trafficking begins from the origins of slavery, which in fact, began in Africa. The Portuguese, in the 16th Century began travelling overseas to Africa to purchase or capture people, enslave them, and take them back to Europe. Other European nations followed soon after. Over the next roughly 350 years, during a period known as the Transatlantic Slave Trade, millions of slaves were shipped from Africa around the world.¹⁰

During these time periods, owning slaves was not an illegal practice. It was in fact a Governmentally condoned practice. It was in the early 1800s when the British first outlawed slavery and the United States soon followed. Even though this was a step in the right direction,

⁸ “UNODC Global Report on Trafficking in Persons 2020”, UNODC, 2021

⁹ Shelley Louise, “Human Trafficking: A Global Perspective”, 2010

¹⁰ Lovejoy, Paul E., “Transformations in slavery: a history of slavery in Africa”, 2011

it did not stop the forced movement of people. This practice was and still is occurring under the eyes of the law as the demand for forced labour and global sex trade increased.¹¹

4.2 Modern evolution of human trafficking

Human Trafficking in the past predominantly occurred for the purposes of forced labour, forced marriages and sex trade. Today these are still the dominant reasons and has evolved into a more commercialised industry. As part of this evolution, trafficking now also includes practices such as child harvesting and organ trading, which generate large flows of money. The U.S. Department of Homeland Security stated in their 2022 report that the human trafficking industry makes approximately \$150 Billion as annual global profits.¹²

Modern trafficking arrangements have evolved into transactions that are similar to formal work contracts. Victims are forced or tricked into these transactions with no or low payment, or on terms which are highly exploitative. Some may also be structured as debt bondage, with the victim not being permitted or able to pay off the debt. It may encompass providing an individual in the context of forced marriages, or the extraction of organs.

Some of the main types of trafficking will now be explored briefly and how they have evolved over the years.

4.2.1 Forced Labour

Forced labour is the practice of employing people against their will, usually by threatening them. These threats can include death threats, harm/hardship to the victims or their families. In most cases, the labourer is not paid or paid a substantially low amount. Another way this form of labour is exploited is to cancel a debt owed by the victim. Forced labour is often more easily

¹¹ Lewis, Thomas, "Transatlantic slave trade", 2023

¹² "Countering Human Trafficking: Year in Review (October 2020 to September 2021)", DHS Center for Countering Human Trafficking, 2022

instituted and enforced on migrant workers since they are unable or unlikely to report their conditions to the authorities due to the general lack of knowledge or the illegal status upon which they arrive at the foreign country.¹³

Many countries in recent years have taken legal steps to reduce this practice, but this has not dampened forced labour to a significant extent, especially from an African perspective. From an international law perspective, countries that allow forced labour are violating International labour standards such as the Abolition of Forced Labour Convention (1957), one of the fundamental conventions of the International Labour Organisation.¹⁴ Forced labour is also predominantly a violation of Human rights.

4.2.2 Sex Trafficking

Sex trafficking can be defined as human trafficking for the purpose of sexual exploitation. Sex traffickers are people who manipulate victims to engage in various forms of commercial sex with customers who pay for these services. Sex traffickers use force, fraud, and threats as they recruit/kidnap and transport their victims. The victims are predominantly women and children. Sometimes victims are manipulated and brought into a situation of dependency on their traffickers, financially or emotionally. Sex trafficking typically occurs in situations from which escape is both difficult and dangerous. The victims are often drugged while being exported.¹⁵

Networks have been developed across the world to transport the victims with fake documentations and officials or law enforcements have been influenced by bribery to turn a blind eye on these matters. The fact that victims are taken across borders causes jurisdictional concerns and this makes it difficult to prosecute the traffickers when they are caught. It is stated

¹³ Roger Plant, "Forced Labour, slavery and poverty reduction: challenges for development agencies", ILO 2007

¹⁴ "Abolishment of Forced Labour Convention", ILO, 1957

¹⁵ Monica Faulkner et al., "Moving Past Victimization and Trauma Toward Restoration: Mother Survivors of Sex Trafficking Share Their Inspiration", 2015

in the book “Gender and Human Rights in the Commonwealth Some Critical Issues for Action in the Decade 2005-2015” that Sex Trafficking was the second most common form of trafficking in Africa.¹⁶ Presumably still one of the most common forms of trafficking.

There have also been multiple initiatives by countries to try and increase awareness and prevent these activities, especially in Africa. As a result, awareness has increased but not significantly, these illegal activities are still predominant and need more solutions.

4.2.3 Forced marriage

Jenni Millbank and Catherine Dauvergne define Forced Marriage in their Journal Article as “a situation where one or both parties in a marriage are participants without their consent”.¹⁷ Children have been predominantly forced into this practice, especially in rural areas in Asia Middle East and Africa.

An arranged marriage was a practice that was followed all across the world in the past and is still followed in certain parts of the world. The main difference between an arranged marriage and a forced marriage is that in the former the participants are allowed to decline the proposal. The line between both is however often difficult to draw, due to the implied familial and social pressure to accept the marriage and obey one's parents in all respects. The rejection of an offer to marry is considered as a humiliation of the potential groom and his family in certain cultures to date. Arranged marriages have become less popular in modern times but is still being practiced predominantly in Asia, Middle East and Africa. Child marriages fall under the topic of Forced marriages. From the 1800s different countries started implementing laws that made

¹⁶ “Gender and Human Rights in the Commonwealth Some Critical Issues for Action in the Decade 2005-2015”, Commonwealth Secretariat, 2004

¹⁷ Dauvergne, Jenni Millbank et al., “Forced Marriage and the Exoticization of Gendered Harms in United States Asylum Law”, 2011

forced marriages illegal but these have been ignored in areas such as Asia and Africa. The lack of awareness and poverty still allows this practice to be carried out to date.¹⁸

Forced marriage is considered a violation of human rights by the United Nations as freedom is taken away from the victims. In recent years, Governments and Organizations across the world have recognised that this practice is a crime and have acknowledged it in different ways. Michael P. Scharf and Suzanne Mattler highlight in their paper, “The Roman Catholic Church deems forced marriage grounds for granting an annulment. In 2009, the Special Court for Sierra Leone's (SCSL) Appeals Chamber found the abduction and confinement of women for "forced marriage" in war to be a new crime against humanity”.¹⁹

4.2.4 Child Harvesting

Child harvesting is the systematic sale of children, usually to members from a developed country to a less developed country. The locations where this activity occurs or the specific programs are known as baby factories or baby farms.

In the past the baby farms were run so that the babies could be used on plantations, mines, as domestic labourers or sex workers. This has become more commercialised in recent years. The baby farms are also greatly being used with “adoption” as the general purpose.²⁰

4.2.5 Organ Trading

Organ trading has become one of the main reasons for human trafficking in the modern era. Organ trading is defined as the sale and purchase of human organs, tissues or other body parts usually for transplantation and high prices. Even though it was practiced in the past, the value

¹⁸ Sherene H. Razack, “Imperilled Muslim women, dangerous Muslim men and civilised Europeans: legal and social responses to forced marriages”, 2004

¹⁹ Suzanne Mattler et al., “Forced Marriage: Exploring the Viability of the Special Court for Sierra Leone's New Crime Against Humanity”, 2005

²⁰ Jr., Philip Obaji, “Survivors of Nigeria’s ‘baby factories’ share their stories”, 2020

of the organs was not known then. In the current black markets, organs are sold for large sums as demand keeps increasing. It is also a billion-dollar industry.²¹ There are 2 distinct crimes that occur under organ trading, the trafficking of people for the purpose of organ removal and trafficking of organs.

5. The History of Terrorist Financing

5.1 Overview of Terrorist Financing and general history

Terrorist groups require funds to sustain themselves and carry out terrorist acts. Terrorist financing encompasses the means and methods used by terrorist organizations to finance their activities. These funds can come from legitimate sources, for example from business profits and charitable organizations, or from illegal activities including trafficking in weapons, drugs or people.

Terrorists use money laundering as a means of hiding the source of their funds. The Bailiwick of Guernsey, Financial Intelligence Unit provides a vivid path on how money laundering can be used. It is stated that “to move their funds, terrorists use the formal banking system, informal value-transfer systems, Hawalas and Hundis and, the physical transportation of cash, gold and other valuables through smuggling routes”.²²

After the September 11 terrorist attacks occurred in 2001, the need for monitoring terrorist organisations became apparent. The US initiated the Patriot Act which gave the US government anti-money laundering powers. Money laundering was established as the main force aiding terrorist financing. The US also collaborated with the United Nations and other countries to create the Terrorist Finance Tracking Program.²³ This also led to different initiatives being developed later on with the same goal, to combat terrorist financing and thus terrorist activities.

²¹ Anne Zimmerman, “Forced Organ Harvesting Expanding the Dead Donor Rule”, 2023

²² “What is Terrorist Financing?”, Bailiwick of Guernsey Financial Intelligence Unit, 2023

²³ “EU ups its fight against terrorist financing”, Deutsche Welle, 2015

5.2 Modern Evolution of Terrorist Financing

In the past, terrorist attacks were focused on having larger cells or groups and physical attacks such as bombings and hostage situations were the focus. In recent years the focus has been more towards attacking and holding electronic mediums hostage such as hacking pivotal networks and accessing or leaking sensitive data. For these to occur greater or more advanced training and facilities are required and terrorist financing provides them with access to these.

Money laundering is a major aspect when looking at terrorist financing and this will be further explored below.

5.2.1 Money Laundering

Money laundering is defined as the process of illegally concealing the origin of money, obtained from illicit activities such as drug trafficking, corruption, embezzlement or gambling, by converting it into a legitimate source.

The history of money laundering can be traced back to ancient times. Wealthy individuals were hiding their wealth from the state to avoid taxes. Illegal activities were being performed and “dirty” money was being generated then “cleaned” so that financial institutions and the general public could handle the money without any problems. For money to be “cleaned”, Money Laundering generally involves 3 steps: Placement, Layering and Integration. The 3 steps, also known as the Money Laundering cycle is illustrated below (**illustration 3.0**).²⁴

²⁴ “Money laundering”, UNODC, 2023

Money Laundering Cycle

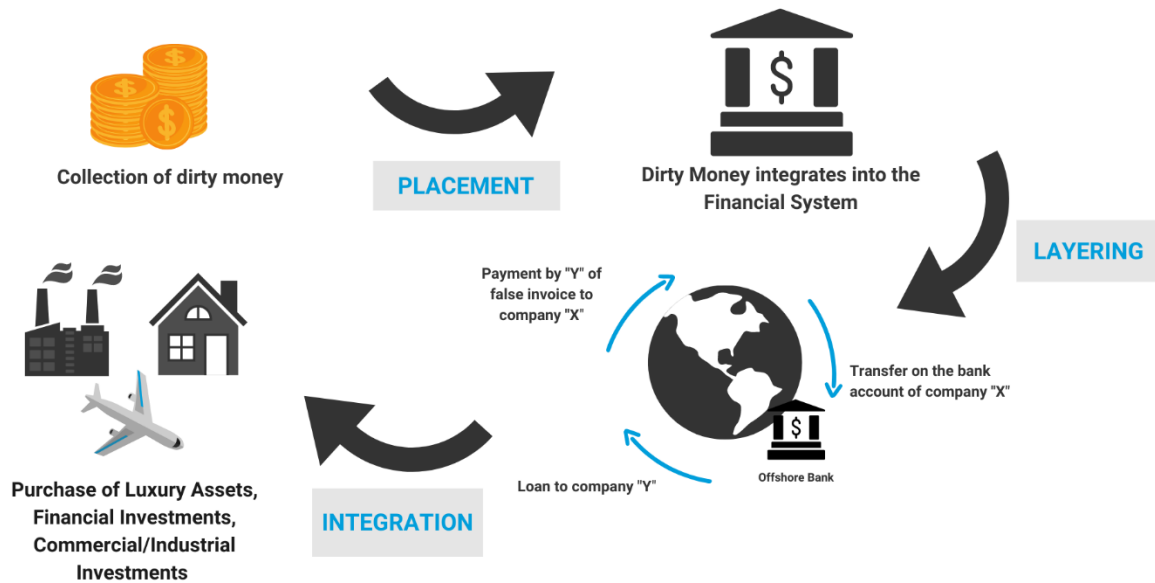


Illustration 3.0

Placement involves integrating the “dirty” money into the financial system. Layering involves developing a complex system of transactions to hide the source of the funds. Integration involves obtaining the funds back as legit funds. This can be through purchase of assets, investments etc. and getting a return on them. There are different ways in which this money laundering process can be executed, some methods include:

Structuring, also known as smurfing is a process whereby the “dirty” money is divided into smaller amounts and deposited to avoid suspicion. **Round-tripping (tax havens)**, involves depositing money in an offshore account in a foreign country in a so called tax haven where minimal records are kept, then brought back as a foreign direct investment which is not taxable. A variant on this is to transfer money to a law firm or similar organization as funds on account of fees, then to cancel the retainer and, when the money is remitted, represent the sums received from the lawyers as a legacy under a will or proceeds of litigation.

Physical Cash smuggling, involves actually taking cash to another institution, usually in another jurisdiction or country to avoid any form of money laundering or similar enforcement

principles. **Investment in real estate**, involves the purchase of property with “dirty” money to “clean” it using legit assets.

Shell companies and trusts, these organisations mask the actual owners of the “dirty” money as they are not required to disclose this matter by law. **Casinos** play a big role in “cleaning” money. Individuals will buy chips using the “dirty” money and proceeds won through gambling are changed into “clean” money. **Cash intensive businesses** are also used predominantly, the illicit funds are mixed with the legit funds and shown as generated through the business.²⁵

The types of money laundering above have been used in the past and are still being used to date, but there are recent developments that have also emerged. These new methods include the use of cryptocurrencies. Cryptocurrency transactions provides the participants with anonymity and this is very beneficial to money launderers.

Combating Money Laundering was a concept that started in the 1930s. The prohibition in the US during this period led to the seizing of wealth from many individuals to deter from crime as it was thought alcohol was the cause for these crimes at the time.²⁶ Later on, in the 1980s when the war on drugs was being undertaken, Money laundering was once again looked at to be reduced.²⁷ In 2001, after the September 11 attacks, the Patriot Act took effect in the US and thereon many legislations around the world were developed and being upgraded to this day to combat money laundering.²⁸

The formation of the Financial Action Task Force (FATF) and the development of legal controls to prevent, detect and report money laundering, known as Anti-Money laundering are

²⁵ Jean. B. Weld, “Current International Money Laundering trends and Anti-Money laundering Co-operation measures”, 2016

²⁶ “The History of money laundering”, The financial crime academy, 2022

²⁷ “War on drugs United States history”, Britannica, 2023

²⁸ “The USA PATRIOT Act: Preserving Life and Liberty”, US Department of Justice, 2001

considered the biggest weapons against money laundering. These will be further explored later on in this paper.

6. Significant Laws, Policies and Procedures used to prevent and combat Human Trafficking and Terrorist Financing

Laws set out certain policies and procedures, and as such, this paper seeks to explore some significant Laws, Policies and Procedures across the world, in terms of human trafficking and terrorist financing.

6.1 History of Policies and Procedures

6.1.1 Human Trafficking

As the origins of human trafficking came from slavery it would be meaningful to start off with some significant events of history in relation to this. In 1807 the Britain first outlawed slavery. The United States followed in 1820 and thus **The Page Act of 1875** was passed and sought to limit the immigration into the United States and prevent the traffic of unwilling persons. It created fines and jail time for anyone who tried to bring people into the United States without their consent. This was effective to some extent in reducing the number of immigrants and thus slavery or Human Trafficking.²⁹

In 1910, the Mann Act, or the International Agreement for the Suppression of “White Slave Traffic,” was signed as the first international agreement on human trafficking.³⁰ In 1919, the International Labour Organization was formed in order to provide protective standards for working conditions such as pay and hours.³¹

²⁹ “Page Act, 1875”, New-York Historical society, 1875

³⁰ “Mann Act”, Cornell Law School, 2020

³¹ “International Labour Organization history”, The Nobel Prize, 2023

In 1920, the League of Nations was founded. It was the first international organization of nations and had the goals of maintaining world peace and focusing on international issues such as human trafficking.³² In a 1921 League of Nations international conference, 33 countries signed the International Convention for the Suppression of Traffic in Women and Children.³³ The issue of White Slavery was then changed to “traffic in women and children” so that everyone was included, regardless of race.³⁴

After the Second World War, the member-nations of the United Nations adopted the United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others in 1949. It was the first legally binding international agreement on human trafficking. However, as of the present day, only 66 nations have ratified it.³⁵

There are a number of notable international treaties concerning human trafficking:

- Supplementary Convention on the Abolition of Slavery, entered into force in 1957
- Protocol against the Smuggling of Migrants by Land, Sea and Air
- Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography
- ILO Forced Labour Convention, 1930 (No. 29)
- ILO Abolition of Forced Labour Convention, 1957 (No. 105)
- ILO Minimum Age Convention, 1973 (No. 138)
- ILO Worst Forms of Child Labour Convention, 1999 (No. 182)

³² “League of Nations”, UN, 2023

³³ “International Convention for the Suppression of the Traffic in Women and Children”, UN Treaty collection, 2023

³⁴ Jessica. R. Pliley, “Trafficked White Slaves and Misleading Marriages in the Campaigns Against Sex Trafficking, 1885–1927”, 2019

- Inter-American Convention on International Traffic in Minors³⁶

The reason for highlighting these laws, policies and procedures is for the purpose of showing the evolution of the measures taken against human trafficking. Even though the laws, policies and procedures do not touch on financial aspects specifically for the purpose of this paper, it does highlight the criminalisation of the different types of human trafficking. Efforts against money laundering is of course also part of the efforts made to reduce this crime, this will be explored further in this paper.

6.1.2 Terrorist Financing

Laws, policies and procedures against terrorist activities became prominent after the September 11 attacks in the US. The need to be aware of such activities and to be prepared for such became a priority. This led to **the Patriot Act** in the US and similar legislation in other countries to counter terrorism and terrorist financing. Some of the difference the Patriot Act had enforced include the following:

- The Patriot Act allows investigators to use the tools that were already available to investigate organized crime and drug trafficking.
 - Allows law enforcement to use surveillance against more crimes of terror
 - Allows federal agents to follow sophisticated terrorists trained to evade detection
 - Allows law enforcement to conduct investigations without tipping off terrorists
 - Allows federal agents to ask a court for an order to obtain business records in national security terrorism cases

³⁶ "Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others", UN Treaty Collection, 2023

- The Patriot Act facilitated information sharing and cooperation among government agencies so that they can better "connect the dots."
- The Patriot Act updated the law to reflect new technologies and new threats.
 - Allows law enforcement officials to obtain a search warrant anywhere a terrorist-related activity occurred
 - Allows victims of computer hacking to request law enforcement assistance in monitoring the "trespassers" on their computers.
- The Patriot Act increased the penalties for those who commit terrorist crimes³⁷

The legislation developed in most countries came into existence based on the Patriot act, such as the Prevention of Terrorism Act in India. Counter terrorism Acts in African countries on the other hand are still quite young as compared to other countries. Countries such as Botswana have only issued counter terrorism acts in 2015, which highlights the fact that much is to be done from an African perspective.³⁸

Indeed, there have been efforts from African countries through initiatives such as the ACCRA initiative where the object of the initiative is “to prevent spillover of terrorism from the Sahel and to address transnational organised crime and violent extremism in member countries’ border areas.”³⁹ There have also been efforts through the use of the African Union’s (AU) Peace fund. The Peace fund, “established under Art 21 of the protocol establishing the Peace and Security Council of the AU to finance the AU’s peace and security operations.” But the underlying fact is much is still to be done within African countries.

³⁷ The USA PATRIOT Act: Preserving Life and Liberty, 2001

³⁸ International Labour Organization, Botswana, Criminal and penal law, 2015

³⁹ European council on foreign relations, ACCRA, 2022

6.1.3 Money laundering

Laws, policies and procedures that have been quite significant in terms of human trafficking and terrorism have been explored so far in this paper. They were in relation of more direct actions and less in terms of financial activities, which is the aspect the IFA can be a part of. In both crimes it is apparent that money laundering plays a key part, and thus it is more beneficial to explore the history of laws, policies and procedures in relation to money laundering as a dedicated section.

In the 1930s, the prohibition in the US is probably the starting point of when efforts were made to combat money laundering. The Prohibition in the US was a nationwide constitutional ban on the production, importation, transportation, and sale of alcoholic beverages from 1920 to 1933. At that time, the organized criminals in the US got intensely involved in the profitable alcohol smuggling industry. To legalize their profits, they purchased outwardly legitimate businesses and mixed their illicit earnings with the fair payments they received from these businesses. The Prohibition provided a significant boost to organized crime as well as a large source of new funds obtained from illegal alcohol sales.⁴⁰ The successful prosecution of Al Capone for tax evasion shifted the emphasis of the state and law enforcement agencies on tracking and confiscating money, but existing laws against tax evasion could no longer be used once gangsters began paying their taxes. Laws against money laundering were thus enacted to combat organized crime.⁴¹

In the 1980s the war on drugs saw governments again turn to money-laundering laws – turned the rules of evidence in the favour of law enforcement. Normally, law enforcement must prove an individual's guilt before seizing their property. Then, revise the following sentence to “Still,

⁴⁰ “Prohibition United States history [1920–1933]”, Britannica, 2023

⁴¹ “A Brief History of Money Laundering”, UK ALA, 2012

money can be confiscated under money laundering laws, and it is up to the individual to prove that the source of funds is legitimate to get the money back.”⁴²

There are some notable Acts also issued in the US, that other countries have drawn inspiration from their models. These Acts include:

- Bank Secrecy Act (1970)
- Money Laundering Control Act (1986)
- Anti-Drug Abuse Act of 1988
- Annunzio-Wylie Anti-Money Laundering Act (1992)
- Money Laundering Suppression Act (1994)
- Money Laundering and Financial Crimes Strategy Act (1998)
- Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act)
- Intelligence Reform & Terrorism Prevention Act of 2004⁴³

In terms of an International context and African context the most effective actions to reduce or combat money laundering would be after the creation of the Financial Action Task Force and Anti-Money Laundering Act. This will be further explored later on in this paper.

6.2 Modern Evolution of Policies and procedures

6.2.1 Human Trafficking

In 2000, the United Nations adopted the United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. This was the first agreement that acknowledged modern-day slavery, as well as the possibility of men being victims of

⁴² John H. Langbein, “Historical foundations of the law of evidence: A view from the ryder sources”, 1996

⁴³ “History of Anti-money laundering laws”, US Government, Financial crimes enforcement network, 2023

human trafficking. The definition was also expanded to include organ harvesting, slavery, and forced labour.⁴⁴ In March 2007, in an effort to promote a communal global approach to fighting human trafficking, UNODC launched the United Nations Global Initiative to Fight Human Trafficking (UN. GIFT).⁴⁵ Different organizations focus on addressing different aspects of the issue of human trafficking. Some focus on prevention, through initiatives such as education, skills training, or legislation. Others focus on aftercare, providing restoration for people who have been removed from human trafficking.

In 2014, for the first time in history major leaders of many religions, Buddhist, Anglican, Catholic, and Orthodox Christian, Hindu, Jewish, and Muslim, met to sign a shared commitment against modern-day slavery; the declaration they signed calls for the elimination of slavery and human trafficking by 2020.⁴⁶ Legal protection varies globally, but are not enforced sufficiently, especially in many African countries.

Modern efforts in terms of money laundering laws, policies and procedures are also realistically part of modern evolution of human trafficking laws, policies and procedures, but it plays a larger role in terrorist financing and as such is further explored in the next section of this paper.

6.2.2 Terrorist Financing

In terms of terrorist financing, it is quite evident that money laundering is a key aspect of this crime. As such, this paper will now explore some key modern evolutions of laws, policies and procedures in relation to money laundering and terrorist financing across the world. It should be noted, these also apply to financial activities in relation to human trafficking.

⁴⁴ "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime", UN, 2000

⁴⁵ "United Nations Global Initiative to Fight Human Trafficking", UN, 2007

⁴⁶ "Joint Declaration of Religious Leaders Against Modern Slavery", End slavery, 2014

As discussed in “history of terrorist financing”, the need to take measures against terrorist financing became quite apparent to countries after the 2001 terrorist attacks in the USA, but before that, measures were being taken to combat money laundering. In the late 1980s, money laundering became an apparent problem across the world. The answer to the problem at the time was the creation of the Financial Action Task Force (FATF).

The FATF is a “watchdog” in terms of global money laundering and terrorist financing.⁴⁷ It is an intergovernmental organization founded in 1989 on the initiative of the Group of 7 (G7) to develop policies to combat money laundering. The G7 is an intergovernmental political forum consisting of Canada, France, Germany, Italy, Japan, the United Kingdom and the United States.⁴⁸ FAFT monitors trends in criminal activities and their financial activities, sets international standards that aims to prevent these illegal activities such as money laundering, assesses the implementation of these standards and the harm they cause to society. They also identify high risk jurisdictions.⁴⁹

Anti-money laundering and counter-terrorist financing (AML/CTF) is another measure that was taken to battle money laundering. It is a term mainly used in the financial and legal industries to describe the legal controls that require financial institutions and other regulated entities to prevent, detect, and report money laundering activities. AML guidelines came into the picture globally as a result of the formation of FATF and the development and issuance of an international framework of anti-money laundering standards. After the 2001 terrorist attacks, this framework started to become more relevant and FATF began a process to publicly identify countries that were deficient in their anti-money laundering laws.

⁴⁷ Julie Ferraz, *Snow Washing Securities: A Review of Money Laundering in Canada’s Capital Markets*, 2020

⁴⁸ “History of FAFT”, FATF, 2023

⁴⁹ “Financial Action Task Force”, FAFT, 2023

Money laundering was well recognised as the process that allowed the terrorist attacks in 2001 to be undetected and not prevented. Thus, money laundering had been criminalized thereafter in many countries, if not all, across the world. The United Nations also took steps to combat money laundering. A notable step was to issue the Proceeds of Crime (Money Laundering) & Terrorist Financing Act. The object of this Act “is to provide for the confiscation of the proceeds of crime and property for the financing of terrorist acts and to prevent the use of the financial system to launder the proceeds of serious crime or to finance terrorism.”⁵⁰

There have also been the establishment of financial intelligence agencies across the world to facilitate detection and investigation of money laundering. An example of such an organization is The Financial Transactions and Reports Analysis Centre of Canada (FINTRAC). For countries that cannot facilitate their own financial intelligence units, there are groups that facilitates and prompts the exchange of information, knowledge and cooperation amongst member such as the Egmont Group of FIUs.⁵¹

It is worth noting that most of the laws, policies and procedures mentioned above are on an international scale and hence cover many African countries as well. Countries in Africa also have their own laws, policies and regulations in terms of combating money laundering as well, but these are modelled on the ones mentioned above. An example of such are the two key AML/CTF laws enacted in South Africa in 2022. These two laws include:

- General Laws (Anti-money laundering and combating terrorism financing) Amendment Act No 22 of 2022; and
- Protection of Constitutional Democracy against terrorism and related activities Amendment Act No 23 of 2022

⁵⁰ “United Nations office on drug and crime(UNODC) UNODC model on money-laundering, proceeds of crime and terrorist financing bill 2003”, UNODC, 2003

⁵¹ “Egmont Group of FIUs”, Egmont FIU, 2023

A media statement issued by the National Treasury stated that “South Africa underwent a mutual evaluation (peer review) of its AML/CFT system by the FATF between April 2019 and June 2021”, emphasising the influence of the FATF on a global scale.⁵²

6.3 The link between Human Trafficking and Terrorist Financing

So far this paper has defined human trafficking and terrorist financing as two distinct crimes, with only a potential link in terms of money laundering. There are however, a few other potential links between the two. There are two interesting perspectives that will be looked at:

- a possibility that human trafficking proceeds can be used for terrorist financing, and
- terrorists recruiting individuals may be a form of human trafficking

The proceeds obtained through human trafficking activities are generally in the form of cash that are potentially difficult to trace to the source, especially in African countries. Even if other modes of payment are used, these may potentially be insignificant amounts that can be kept off the radar of measures established to detect these crimes (AML/CTF). Generally, the proceeds will then be “cleaned” and used by the criminals as legitimate funds. Money laundering is already being used at this stage, so it is quite an ideal environment to use the same process to ultimately fund terrorist activities.

A possible way of performing this activity would be to transfer the money to another country where money laundering measures are weak or not enforced well. A country such as the Democratic Republic of Congo (DRC), which has a high risk of money laundering as per the AML index.⁵³ Realistically it would be ideal to use that money to fund terrorist activities in such a location as the risk of detection would be quite low.

⁵² SA National Treasury, Media statement, 2023

⁵³ “Global ranking in 2022”, Basel AML index, 2022

This may be easier said than done as the combination of two crimes on the same money laundering scheme may be riskier for the criminals as the higher frequency of financial transactions may bring about suspicions. But this is not an impossible task, if the criminals space out their layering of transactions to mask the trail of money they could possibly avoid suspicion.

Ideally, for terrorist activities, criminals need funding for recruitment, raw materials and other necessities such as food and shelter. The general trend is to obtain these at very busy locations where chances of financial detection is low, so cash transactions could be preferred by these individuals. Having said this, it is possible funds being delivered from human trafficking activities to terrorist financing activities in countries such as DRC could be a completely cash based transactions. A similar pattern could possible also be followed in other African countries. When assessing this potential link between the two crimes, it may be possible for the IFA to make a direct impact in reducing both crimes by being a part of identifying and potentially stopping at least the funds to human trafficking.

Another aspect of discussion would be the concept of recruitment for terrorist activities and its similarity or relation to human trafficking. Terrorist recruits are generally abducted at a very young age, brainwashed and influenced to perform terrorist activities. It can be seen this process is very similar to the activities of human trafficking. An individual's body is also being used here for their ultimate goal. The only difference in this case would be in human trafficking, the victims are used to generate a profit while in terrorism they are used to cause harm and destruction. It is beneficial to make this link between the two crimes as well, as some of the activities that will be suggested later in the paper, to be taken up by IFAs to reduce these crimes, will be a similar approach.

6.4 Deficiencies and loopholes exploited by Human Traffickers and Terrorist Financiers

6.4.1 Human Trafficking

Lack of awareness is one of the biggest deficiencies taken advantage of by human traffickers. Most people do not even know what constitutes human trafficking and what protection or preventive measures are available to them as potential victims or witnesses. The victims are generally tricked or manipulated and eventually abducted as a result. This applies to victims, their families and witnesses of these crimes. Most of the time, the victims themselves are the witnesses, but they are too afraid and unaware of how to proceed to prosecute the traffickers. Helplines or organizations that can also assist the victims or witnesses to overcome their trauma are also not well known, thus in many African countries in particular, the victims or witnesses are pretty helpless.⁵⁴

When the witnesses of human trafficking are not the victims, there is a general culture where even if they are aware that traffickers can be prosecuted, they stay silent. This “attitude” prevents individuals from identifying or helping victims of human trafficking, thus another deficiency. Many individuals purposefully choose to not see the evil practices that happen right in front of them. There is a sense of fear that looms around such situations, due to possible harm to themselves or their families. Basically there is a lack of belief on existing protection. There is also the belief that the legal system will drag them into unnecessary attention and harm as witnesses and the media will also haunt them as a result.⁵⁵

Uneducated victims are another deficiency taken advantage of by traffickers. In most situations, the potential victims are low income earners and may end up taking up debts to survive. Their difficult financial situations are taken advantage of and they are exploited

⁵⁴ “Awareness and education are key to beating human trafficking”, UNODC, 2011

⁵⁵ “Prevention, Prosecution and Protection - Human Trafficking”, UNODC, 2020

through human trafficking. The victims may not know that they are being trafficked as they have not been exposed to the warning signs through education. Uneducated individuals may not be able to comprehend the laws, policies and procedures available to them as potential victims or witnesses. They may not even be able to understand the available channels to report these crimes and thus adds to the unawareness of such measures available in their countries.⁵⁶

There could also be the existence of a language barrier. In most countries, when laws, policies or procedures are issued, these are publicised in the country's national language and English. There may be situations where foreigners or refugees who are not aware of these languages are present in the country and thus once again adding to the unawareness factor, as they are not aware that laws, policies and procedures are present to reduce such crimes. As the aspect of awareness has been made quite significantly, the next aspect that could be explored by traffickers would be weaknesses in laws, policies and procedures.

The development of weak laws, policies and procedures, and the potential loopholes in these are great opportunities for human traffickers. If the detection of such crimes and related activities are not properly developed and ultimate prosecution is very unlikely, this will create an apt environment for such crimes. In circumstances where the laws, policies and procedures are strong, if the implementation is weak, then again, this creates an apt environment for such crimes. Generally weak implementation will be due to lack of resources or priority of other national matters. Other priorities may be the outbreak of a civil war or political instability.

Political instability is a very big opportunity for traffickers. Many African countries have experienced and are still experiencing political instability, such as Somalia and Libya.⁵⁷ During

⁵⁶ Ramona Vijeyarasa, "The Uneducated Victim of Trafficking", 2021

⁵⁷ The Global Economy, Political stability, 2023

these periods, the public will be looking for ways to escape and will be desperate to find a solution, thus falling straight into the hands of the traffickers.

Another interesting aspect to this crime could be the possible involvement of powerful individuals or organizations. Powerful criminal organizations or individuals will not be subject to the same treatment as those less powerful. There will be a sense of fear and hopelessness towards the approaches set up to combat such organizations or individuals. Due to their influences, the policies and procedures established in these countries may be non-existent to some extent. This is the case in many African countries.

6.3.2 Terrorist Financing

A similar pattern to human trafficking exists in relation to deficiencies and loopholes taken advantage of by terrorist financiers. Lack of awareness, weak policies and procedures, weak implementation, political instability and the involvement powerful organizations or individuals are all deficiencies and loopholes that also apply to terrorist financing. A unique “loophole” in this circumstance is the utilization of religious strongholds by terrorists or terrorist financiers.

In many countries, especially African countries, religion and religious societies are of a major influence.⁵⁸ Religious strongholds are used to mask illegal activities such as terrorist financing, on a similar line as how legitimate businesses are used. Religious celebrations and religious donations are generally used to “clean” illegal funds and to channel them towards these illegal activities.⁵⁹

It should be noted that this paper does not aim to classify all religious strongholds as potential locations where these crimes occur. Many of these locations are built and run only for religious

⁵⁸ Obaji M Agbiji et al., “Religion and social transformation in Africa: A critical and appreciative perspective”, 2015

⁵⁹ Alex Thurston, “‘The disease is unbelief’: Boko Haram’s religious and political worldview”, 2016

purposes but there are organizations and individuals who manipulate and take advantage of such establishments.

This paper has so far established what human trafficking and terrorist financing entails and what has been established to combat such crimes and their deficiencies. The main focus of this paper is the involvement of the IFA in trying to reduce these crimes, but before that can be established, this paper will explore who an IFA is and what techniques they can use in this battle.

7. IFAs and IFA techniques

7.1 Who are IFAs?

The Investigative forensic accountants (IFA) are individuals who are involved in the prevention, detection and investigation of commercial crimes (such as fraud, corruption and money laundering). The IFA requires certain skills, perhaps developed to a level beyond those required by all accountants (certain types of analytical, legal, interviewing, etc.) and a mind-set that is also more sceptical in nature, basically in tune with an investigator.

Typical tasks of IFAs include obtaining and reviewing financial documents to identify inaccuracies or fraud, analysing financial data and tracing discrepancies, quantifying revenue losses and damages from contract breaches, conducting and implementing fraud risk management programmes, conducting interviews with suspects and witnesses, and providing litigation support and present findings to be used as trial evidence.

The Association of Certified Fraud Examiners (ACFE) states that IFAs are typically “employed by public accounting firms’ forensic accounting divisions; by consulting firms specializing in risk consulting and forensic accounting services; or by lawyers, law enforcement agencies, insurance companies, government organizations or financial institutions. Due to heightened

awareness and growing intolerance of fraud, demand for forensic accountants is rapidly increasing.”⁶⁰

7.2 What techniques do they use?

IFAs have an array of techniques that they use in practice. As this paper is exploring what techniques an IFA can use to combat human trafficking and terrorist financing, the techniques listed below can potentially be used for this purpose, aimed at the financial activities linked to these crimes.

Generally, these techniques are assumed to aid the IFA once an engagement has been brought about or potentially been brought about. But some of them will also be beneficial before an engagement is received, this will be explored later in the paper.

The list of techniques includes the following:

- Interviews – For the purpose of information gathering
- Email reviews – This technique involves using specialized software to look through the emails of a potential culprit.
- Public platform searches – This technique involves exploring social media platforms for more data
- Legal tools (Mareva Injunction, Anton pillar order, Norwich order, Subpoena) through legal counsel – Again for data gathering purposes
- Using specialised software to analyse data (Bank statements, Financial statements, income tax returns etc.) to perform the following:
 - Horizontal trend analysis (Variance analysis by month of sales, changes in products)

⁶⁰ “Forensic Accountant”, ACFE, 2023

- Ratios (Working capital, Inventory turnover, Days sales outstanding)
- Vertical: Percentage and relative size at a point in time (% of write-offs in sales)
- Benchmarking
- Duplicate identification
- Aging analysis

These will be looked at in more detail later on in this paper along with a strategy the IFA can use to combat human trafficking and terrorist financing.

7.3 Current role of IFAs in reducing Human Trafficking and Terrorist Financing across the world

The current role of IFAs across the world are in the fields of investigation and loss quantification, and this also applies in the areas of human trafficking and terrorist financing. Generally, an engagement is obtained in the form of whistleblowing or a complaint and the IFA is brought in by a Government organization or division or a law enforcement agency such as the FBI or Interpol to handle matters of complex financial transactions.

As of yet it is quite difficult to specify the duties an IFA performs in these investigations as each case would be unique, but they are generally involved in investigations where the money trail needs to be identified. An IFAs sceptical perspective, accounting skills and general legal knowledge are added benefits for such a task. If individuals or organizations have defrauded to aid crimes, the IFA can also assist in quantifying a realistic amount that can be presented for litigation and testify as an expert.

When talking about human trafficking and terrorist financing, Government organizations and law enforcement agencies obtain several tips, calls, emails and other various communications on these activities on a daily basis. They have the personnel to identify if these are legit or not, they have the personnel to monitor abductions, unusual activities that seem suspicious and

respond to calls of distress. Most efforts are being made to prevent these crimes from happening but these have not been completely achieved and require a lot of resources.

Many of these criminals are using methods that make them invisible to the legal system when performing these activities. A few ways of being invisible include usage of more cash based transactions and to hiding illegal activities behind legitimate businesses. Many monitoring and preventive systems across the world have loopholes or deficiencies that allow cash transactions and crimes behind legitimate businesses to remain hidden. Money laundering is a technique that criminals have become more aware of, the use of complex financial systems.

It is quite evident that if these transactions can be identified and traced back to their sources, many crimes, especially in relation to human trafficking and terrorist financing can be reduced or prevented at a greater rate as their source of funding would be stagnated.

IFAs are currently brought into the picture to aid the identification of these activities (tracing transactions and money laundering). Transactions are in some circumstances very complex and move across several jurisdictions, which means the expertise of a normal accountant or auditor is not enough. The FBI and Interpol directly employ IFAs while other organizations may contract them due to limited resources available for such.

Currently the role of the IFA is pretty straightforward, they get employed by an organization as part of an engagement and they perform their duties of finding the fraud or money trail. The issue faced by such an approach is that engagements in relation to human trafficking and terrorist financing, that involve an IFA are quite low, especially from an African perspective, and this will be explored below.

7.4 Current role and influence of IFAs in Africa

Many countries in Africa are ranked quite high in terms of global crime indices, this includes the human trafficking crime index. Many African countries are also “grey listed” in terms of

the Financial Action Task Force's (FATF) global action to tackle money laundering, terrorist and proliferation financing.⁶¹ The FATF "identifies jurisdictions with weak measures to combat money laundering and terrorist financing (AML/CFT) in two FATF public documents that are issued three times a year." FATF have developed a black list which includes countries with high-risk jurisdictions subject to a call for Action and a grey list which includes jurisdictions under increased monitoring.⁶²

It is quite evident from the rankings that many African countries create the right environment for human trafficking and terrorist financing activities. There are many laws, policies and procedures that have been passed in these countries but enforcing these and prosecuting the ones that violate these are rarely done. Hence there being many African countries within the "grey" list.

There is a definite need for identification and prosecution of these crimes, especially their financial aspects and thus there is a need for IFAs in Africa. Cash transactions are still very prominent in many countries, illegal activities are running haywire and human trafficking and terrorist financing in particular are performed greatly in these countries, but there are a few issues that prevent IFAs from getting involved.

There is a lack of knowledge on IFAs that is present in many African countries. Many do not know the distinct skills that IFAs have as compared to normal accountants and auditors. There is a belief that auditors can do the job of forensic accountants, so many feel it is cheaper to just employ that auditor. There is a lack of qualified IFAs in Africa in general, and thus it adds to this lack of knowledge and the practice of outsourcing these services if actually correctly identified and required.⁶³

⁶¹ "Financial Action Task Force", 2023

⁶² "'Black and grey' lists", FATF, 2023

⁶³ Adebayo Olagunju, "Accounting students' perception of forensic accounting education on Osun University, Nigeria", 2021

Even if an IFAs is actually employed, irrespective of being local or outsourced, the law, policies and procedures that aid a Forensic Accounting Engagement may not be in existence or may be very weak. An example of such a law, policy or procedure would include the preservation of documentation and the declaration of suspicious financial activities to financial bodies. These are generally issued by many African Governments but implementation and monitoring are in most cases very weak. This makes the IFAs work quite difficult as more facts need to be identified to structure a proper investigation. Many countries are still dependent on paper based systems which can be easily manipulated and destroyed, which makes an investigation even more complicated.

In many countries corruption and the involvement of powerful individuals is also a barrier for IFAs to be part of investigations as investigating bodies are prevented from actually completing them. These investigations are generally just performed to get some media attention and not really to solve the problems as the powerful individuals will influence these. The IFA in these investigations will not be contracted as completing these investigations or prosecuting the potential criminals is not the ultimate goal.

This paper will now explore how an IFA and their expert techniques can actually make an impact on reducing human trafficking and terrorist financing.

8. The impact IFAs and IFA techniques can have on reducing Human trafficking and Terrorist financing

8.1 How to overcome deficiencies and loopholes with the assistance of IFA techniques

It is clear from the information stipulate so far in this paper that there are opportunities for IFAs across the world to be part of engagements in relation to human trafficking and terrorist financing, but there are some obstacles for them to overcome. There are a lot of deficiencies and loopholes in laws, policies and procedures across the world, and in particular in an African

context. This prevents the development significant engagements that the IFA can be involved in. This paper will now explore how an IFA can take the initiative to be part of the fight against human trafficking and terrorist financing by utilizing a strategy to potentially overcome these obstacles.

This paper will be proposing a 6 step strategy to allow IFAs to be part of the battle against these crimes. Steps 1 to 5 detailed below are tasks the IFA can perform before actually being part of an engagement and step 6 will highlight a general approach an IFA can use after being part of an engagement. The objective of this paper is to describe what an IFA can do to reduce these crimes, and thus this is what the steps will try to address.

The 6 step strategy may put the IFA in a position that may involve unorthodox tasks. Nonetheless, these are tasks that can be performed by the IFA and the techniques that are available to them to ultimately make a difference in reducing these crimes.

The 6 step strategy is as follows:

- 1. Spreading awareness**
- 2. Preparing red flag guidelines**
- 3. Reinforcement of protection to witnesses or whistle blowers**
- 4. Monitoring and evaluation**
- 5. Identifying weaknesses and providing recommendations**
- 6. Perform engagements**

Before these steps are explored in detail, it must be made clear that the overall approach is not one that can be very profitable for an IFA in a financial manner. If financial gain is the only motive for an IFA, this may not be the path he/she must take, but this is a path that must be taken by an IFA who would want to make a difference, and genuinely want to be a part in

fighting these crimes. The strategy is designed to be implemented in an African context where the financial measures to combat these crimes are weak and not implemented sufficiently.

1. Spreading awareness

An IFA is an individual with unique skills which have been touched on before in this paper, but not many, especially in Africa know what they do. The general perception of the population is that an auditor can perform the same tasks as an IFA.⁶⁴ Indeed there is awareness amongst academics of the difference between the two, but the distinct skills and expertise available to the IFA are not very clear to them.⁶⁵ There is a definite need to increase awareness on what an IFA can offer, especially in terms of financial crimes, but just increasing awareness in terms of what an IFA does will not really make sense if the general population do not know how financial crimes are linked to larger issues such as human trafficking and terrorist financing. Thus, the IFA can start off by developing and being part of existing campaigns that spread awareness on human trafficking and terrorist financing. This is a preventative measure that the IFA can possibly assist with and also use to spread the details on what an IFA does in terms of financial crimes.

There are organizations such as the Mekong Club that “works with the private sector to bring about sustainable practices towards the fight against modern slavery.”⁶⁶ They spread awareness and aid private firms to avoid further illegal practices such as slavery and human trafficking. There are similar organizations that not only focuses on private sectors, but aim to aid all in terms of spreading awareness and trying to aid victims of these crimes. The UNODC has the Blue Heart campaign that “raises awareness around the globe of human trafficking and its

⁶⁴ Olagunju et al., Accounting students’ perception of forensic accounting education on Osun State University, Nigeria, 2021

⁶⁵ Mohamed Issa, Assessing awareness and acceptance of forensic accounting among the Libyan Accounting educators, 2018

⁶⁶ “The Mekong Club”, 2023

impact on people and society. The Blue Heart Campaign encourages involvement from governments, civil society, the corporate sector and individuals alike to inspire action and help prevent human trafficking.”⁶⁷ An IFA would benefit from collaborating with such organizations.

The IFA would first of all need to know the details of what is actual human trafficking and terrorist financing. These organizations specialize in spreading awareness on these matters so the IFA will know the reality of the current situation with great accuracy and ease. Once what these crimes are and how these occur have been learned, the IFA can then find ways to clearly use their skills in the battle to abolish or reduce these crimes, then how to publicise this. The IFAs main aim would be to try and apply their audit, finance and accounts, statistics, information technology (IT), legal rules, and human skills to the financial aspects of these crimes.

A campaign that will build awareness on human trafficking, terrorist financing and what the IFA can do to reduce the impacts of these will be a deadly combination. It will make the campaigns unique and more interesting, informative, and ultimately will make it clear to the populous that the IFA is not just an ordinary auditor, but someone with unique skills that can make a difference. Such a campaign may encourage people to interact more with the organization hosting such a campaign, knowing that an IFA may give an added advantage to reducing these crimes.

In many African countries, individuals work for minimum wages, sometimes for even less, and are often in situations where they have huge debts and are being exploited by others.⁶⁸ Most individuals do not have access to education or proper facilities and thus awareness campaigns may be of little use as they would have other priorities rather than attending conferences or

⁶⁷ “What is the blue heart campaign?”, UNODC, 2023

⁶⁸ Haroon Borat et al., “Minimum Wages in Sub-Saharan Africa: A Primer”, 2017

physical demonstrations. Nonetheless, there is a way around this. It is evident that in today's environment, even if an individual has very little income they own a mobile phone. Majority of these individuals also have access to social media, so this is a platform that can be easily utilised by the IFA and their team.⁶⁹

In most cases, a social media campaign on increasing awareness on human trafficking or terrorist financing would be very effective to the younger population, especially since the criminals performing these aim to capture and influence these specific individuals.⁷⁰ The campaigns will need to cover information such as:

- Simple definition of human trafficking and terrorist financing
- Emphasis the ease at which one can be trapped in such a crime
- Preventive measures
- Define channels to report these crimes (Hotline, emails etc.)
- Define individuals or organizations to report these crimes to (Law enforcement, helplines etc.)
- The protection a witness or whistle blower can get must be emphasised and reinforced
- Emphasis confidentiality and build confidence
- The definition of an IFA and how an IFA can help (Tracing the of money and can ultimately reduce or stop these crimes by interrupting funding)

These campaigns must cater for all individuals of different, genders, languages, ages and disabilities. The campaign must be reoccurring as it may require some time and effort to allow individuals to have confidence in this campaign. Collaboration with local entertainment

⁶⁹ "The mobile economy", GSMA, 2023

⁷⁰ Jessica Trisko Darden, "Tackling Terrorists' Exploitation of Youth", 2019

agencies and law enforcement will also aid this process by producing a creative campaign that can be eye-catching and understood with ease.

The awareness campaign is indeed a very helpful step in the right direction. It once again prompts victims, potential victims or witnesses to come fourth and report to existing bodies of these crimes. The idea is to emphasis the abilities of the IFA as a tool in these campaigns, that will help reduce the crimes to a better extent. This may assist to boost confidence and allow individuals to report more as there is a new aspect to reducing these crimes. A title such as “Finding the money trail to dismantle human trafficking” could possibly make a difference. But the IFA can do more than just be part of an awareness campaign.

The IFA can assist in developing a set of guidelines that other individuals or organizations can use to identify red flags in terms of financial activities, in relation to human trafficking and terrorist financing. The purpose of this is to once again re-enforce preventative measures related to these crimes.

2. Preparing red flag guidelines

Currently almost all countries in Africa have many forms of guidelines that are provided to institutions, such as banks, that will allow them to flag suspicious financial activities. The general focus is on money laundering and tax evasion. Even though crimes such as human trafficking and terrorist financing are mentioned, the guides present are too general. One such guideline is the Guidelines on identification, monitoring and reporting of suspicious transactions (2021) in Botswana.⁷¹ There is a need for a more detailed guide that aims specifically at human trafficking and terrorist financing transactions, not just on general suspicious transactions.

⁷¹ “Guidelines on identification, monitoring and reporting of suspicious transactions” Bank of Botswana, 2021

An IFA would be in a perfect position to develop such a set of guidelines. The reasons for this “perfect position” is due to the fact that the IFA already has the required knowledge on tracing the source of transactions and money laundering, the only thing missing from their arsenal is knowledge on the actual criminal and financial activities performed by human traffickers and terrorists. To obtain this additional knowledge the IFA can obtain information from investigators who handle such cases.

Investigators who handle human trafficking and terrorist financing cases in many African countries and countries outside Africa will have lots of insight on activities performed by these criminals. An IFA can use their skills in performing interviews to obtain detailed statements from them on how these criminals usually perform their activities and financial transactions. These interviews can also facilitate flagging of local businesses or institutions that have a history of suspicious activities. It was stated in a United Nations (UN) magazine article in 2017 that about 90% of retail transactions in sub-Saharan Africa were cash based.⁷² Even though the article is from 2017, generally cash based transactions are still dominant in Africa.⁷³ As such, it can be assumed that in Africa these criminals generally transact more in cash and use cash based businesses to launder illegal funds. It is also likely they will use legitimate businesses to mask trafficking or terrorist activities behind actual business activities, which would make general guides on suspicious activities redundant to some extent.

Once the information on the pattern of financial transactions performed and suspicious businesses that have potential to be linked to traffickers and terrorists have been discussed, the IFA will now need to develop that information into specific statements that organizations such as banks, stores, hotels and motels can use to flag these specific transactions related to these crimes as “suspicious” transactions. FINTRAC has already developed such a guide in Canada.

⁷² “Africa’s quest for a cashless economy gains momentum”, UN, 2017

⁷³ “The future of payments in Africa”, Mckinsey and Company, 2022

This document is specifically targeted at the indicators of laundering of illicit proceeds from human trafficking for sexual exploitation. The key types of transactions mentioned in this document are very applicable to the guide the IFA can develop and as such are listed below:

- “Online advertising and promotional services (e.g. escort services, massage services, relationship services, related peer-to-peer online booking services): frequent payments in multiples of small amounts (e.g. \$3, \$12, \$24) in relatively short timelines and inconsistent with expected activity;
- Accommodations (e.g. hotels, motels, peer-to-peer online booking services for private and commercial lodgings): payments for short stays and/or stays in multiple cities in a relatively short time period;
- Distance transportation: frequent purchases for airline, train, and/or bus tickets, possibly for multiple individuals, in relatively short timelines and inconsistent with expected activity;
- Local transportation: purchases for taxi, limousine, vehicle rentals, and ride sharing services in relatively short timelines and inconsistent with expected activity;
- Fast food restaurants: frequent low value purchases in relatively short timelines and inconsistent with expected activity;
- Drug stores, clothing stores, beauty stores (e.g. lingerie, make-up): frequent purchases in relatively short timelines and inconsistent with expected activity;
- Strip clubs, massage parlors, beauty salons and modelling agencies: credit card payments for purchases made after the establishments’ normal hours of business;
- Bitcoins or other virtual currencies: frequent purchases in multiples of small amounts (e.g. \$3, \$12, \$24), directly by the client or through exchanges;
- Online payment services companies: personal account activity inconsistent with expectations involving frequent deposits and payments through an online payment

service in small amounts typically under \$100. Account funds may then be used for virtual currency deposits/redemptions, or payment of bills, such as personal or third party credit cards;

- Rent payments: for addresses where prostitution is reported to occur by media, law enforcement, or classified ads; and,
- Credit card purchases: for online purchases which provide relative anonymity.”⁷⁴

These types of transactions are visibly very specific. These are more detailed than what would be available in general guides in relation to suspicious transactions. Ideally the development of such a guide should also detail potential patterns of these financial transactions, FINTRAC has also provided these as follows:

- “Cash deposits/withdrawals between the hours of 10 p.m. and 6 a.m.;
- Multiple cash deposits conducted at different bank branches/ATMs, possibly across different cities and provinces;
- Frequent transactions (e.g. purchases, payments, account debits/credits, electronic transfers) across different cities and provinces within short timelines;
- Multiple deposits and/or incoming email money transfers or other forms of electronic transfers, possibly using a temporary address (e.g. hotel), from unrelated third parties with little or no explanation;
- Account funded primarily via third party cash transactions;
- Deposits (e.g. via ABM, in-branch, email money transfers, other forms of electronic transfers) followed rapidly by cash withdrawals, bill payments, and/or electronic transfers;

⁷⁴ “Indicators: The laundering of illicit proceeds from human trafficking for sexual exploitation”, FINTRAC, 2016

- Personal account receives frequent deposits but is typically kept depleted, showing no purchases or transactions that would indicate normal activity;
- Account appears to function as a funnel account; deposits occur in locations where the client does not reside or conduct business;
- Deposits (e.g. via ABM, in-branch) conducted in one city followed by same day or next day withdrawal and/or purchase conducted in another city;
- Unrelated third parties sending email money transfers or other forms of electronic transfers to the same beneficiary with no apparent relation to the recipient or no stated purpose for the transfers;
- Email money transfers to third parties with alternate names provided in brackets [e.g. jane@example.com (Bambi)];
- Large and frequent electronic transfers between senders and receivers with no apparent relationship;
- Common address provided by different people undertaking domestic/international funds transfers;
- Rounded sum hotel transactions;
- Hotel transactions by the same individual for two separate rooms for the same dates;
- Hotel transactions followed by a refund for the same amount; and,
- Pre-authorized hotel by credit card, but accommodations are actually paid for using cash.”⁷⁵

The IFA can combine this structure along with the information obtained from investigators to develop an adaptive guide for each African country they assist. These transactions and their patterns aid banks more than other institutions but distribution of these amongst other

⁷⁵ “Indicators: The laundering of illicit proceeds from human trafficking for sexual exploitation”, FINTRAC, 2016

institutions will definitely aid in increasing awareness of such crimes. Thus, the purpose of these guidelines will be to increase the level of preventative measures in relation to human trafficking and terrorist financing. Ideally, by providing a document that banks, stores and hotels/motels can use as a benchmark, these institutions could potentially flag more suspicious transactions much easily and would increase reporting to law enforcement or other organizations that can take action against these criminals.

Of course for this practice to occur accurately, the whistle blowers will need confidence in the guidelines, the reporting channels and on the legal systems that protect them and punishes criminals, so that the criminals can be prosecuted without there being any harm to themselves. This is not an easy task and the IFA alone cannot build this confidence or trust within the population. The IFA will require the assistance of local Governments, other bodies such as UN and influential individuals who would want to join the battle against human trafficking and terrorist financing to accomplish this. For the purpose of this paper, an influential individual will be defined as public figure who has considerable power within the boundaries of the legal system., such as a Minister or President of a nation.

3. Reinforcement of protection to witnesses or whistle blowers

The IFA in this step will need to have knowledge of the local witness protection acts, the department in charge and how it is enforced. Contact must be made with the respective departments or bodies in the African countries for this purpose. An example of such a body exists in South Africa known as the Office for Witness Protection under the National Prosecution Authority of South Africa, in the Department of Justice and Constitutional Development.⁷⁶ This organization provides guidance and handles any matters related to witness protection.

⁷⁶ "Office for Witness Protection", NPA, 2023

Consultation with such organizations or bodies are difficult as such bodies are quite hard to approach and they will be reluctant to share information. It may be that the body believes that their Acts and their practices are already perfect, and it does not need any altering, especially from a field of Forensic Accounting, which they are not very familiar with. This is where the aid of local Governments, other bodies such as UN and influential individuals will need to be requested to aid the IFA. This may provide a direct message to the bodies that we, as IFAs, are aiming to fight against crimes and not to distort their current practices.

Even though this method may open a few doors, first of all it would be difficult to obtain the aid of such and second of all, it may also be met with resistance. At this stage the IFA will need to obtain the aid of a department which is already working towards combating human trafficking and terrorist financing. There will be departments that are trying to raise awareness and trying to assist in the fight against these crimes and it may allow the IFA to obtain a more realistic assistance from a national body. It will also be beneficial to obtain aid from law enforcement agencies as they will have specific departments to handle these crimes. It must be made clear that the only way to approach these departments would be to provide free services as an IFA and to specify to them the skills and techniques held by the IFA. Collaboration with national financial bodies in the African countries, similar to FINTRAC in Canada, will also strengthen the position of the IFA when suggesting potential improvements of witness or whistle blower protection. Such a financial body is the Financial Intelligence Centre in South Africa.⁷⁷

Once access has been obtained in relation to bodies that handle protection, the aim of the IFA would be to suggest to them how protection can be improved and publicised. An approach must be used that will not undermine their current strategies. An IFA may be able to highlight

⁷⁷ Financial Intelligence Centre, 2022

the loopholes present in the current protection provided, and this may be looked at as an attack to the current body. As a result, a subtle approach must be used highlighting the improvements and not attacking the current loopholes. A diplomatic approach must be used in discussions, there may be logical reasons to the loopholes in the current protection provided, such as lack of funding and other resources.

For such a case where resources are not available, the IFA may not be in a position to amend these deficiencies. It is quite unrealistic to even try as the matter will need to be taken up to a national level of the Government sphere and realistically a result may not be achieved. As an alternative, the IFA can recommend another action, that would be to obtain the aid of other allied countries. Many African countries are part of inter-governmental organizations and they can request aid in many matters that are beneficial on a national scale. An example of such an organization is the Southern African Development Community (SADC). The main objective of this organization is to “achieve development, peace and security, and economic growth, to alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa, and support the socially disadvantaged through regional integration, built on democratic principles and equitable and sustainable development.”⁷⁸

This approach is indeed quite political, and it would not be beneficial for the IFA to hold a position of negotiation, but if required, the IFA must aid individuals and organizations in highlighting the fact that generally the protection provided to witnesses and whistle blowers are weak in Africa. As a result of these weaknesses, multiple assassinations of witnesses in African countries have taken place. One such witness is Babita Deokaran from South Africa.

Babita Deokaran was an acting Chief Financial officer at the Gauteng Provincial Government, Department of Health, South Africa. Babita’s death was linked to a corrupt Covid-19 PPE

⁷⁸ “Southern African Development Community”, 2023

procurement scandal equating to millions of US Dollars. She was a key witness in the investigation to expose a syndicate setup to benefit from state corruption. Babita had been on special leave for more than a year prior to her death whilst the investigation was underway. It was alleged that she was being stalked for more than a month before her death and close to no protection was provided to her. She was ultimately shot dead outside her own home.⁷⁹

Such an incident has built an atmosphere of fear within South Africa and a culture of corruption has somewhat been accepted by the populous. A similar culture exists within other African nations. It is no surprise that the general public do not report majority of normal crimes, let alone financial crimes. They have lost confidence in the channels of reporting information in many of these countries. They believe if vital information that can benefit the nation is provided through channels, they will lose their lives.

The question that arises in such a situation is how can a witness's or whistle blower's protection be improved and how can this be conveyed to the public without revealing too much details that could provide loopholes for assassinations or other forms of harm?

The current protection provided to witnesses in many African countries include a witness protection program. This program is not publicised much but it is published in many witness protection acts, which is publically available. One such Act is available in South Africa, known as the Witness Protection Act [No. 112 of 1998].⁸⁰ There are usually documents that detail how one can enter into the program. There will be communication channels, usually a hotline, and the witness or whistle blower will report their case and request for protection. An individual with experience in assessing whether protection is needed will make the call on whether it can

⁷⁹ "Silenced", News24, 2022

⁸⁰ "Witness Protection Act", 1998

be provided. In the worst case scenario, the witness or whistle blower will be cut off from their regular life, given a new identity and moved to a different location.⁸¹

The current protection provided and its processes have a few limitations. These are not publicised, rightfully so, but the general public does not know how it works. The screening process that determines eligibility of protection may be flawed or slow. The organization may not have capacity to handle a lot of individuals under protection.

To overcome these limitations, the public will have to be educated on the witness protection Acts that have been issued. They will have to be told that in fact protection is available, they have a right to obtain this protection, but not in too much detail as this may compromise the process. They should be guaranteed confidentiality and a form of confidence in the system must be built through campaigns such as those on social media as part of the IFAs efforts to increase awareness. Once confidence has been built up, the public (this can take some time and will require multiple campaigns to promote themselves), the next limitation to improve is the screening process. Organizations that handle protection will possibly have a guide or procedure to determine who is eligible or not. The IFA should assess such guides with a sceptical stand point of view and highlight loopholes and recommend realistic improvements. If a guide does not exist and they use experience of officers to determine this, the IFA should highlight the dangers of such a process.

The IFA in such a situation can also assist in developing a screening guide in collaboration with the experienced individuals who already handle such tasks. The sceptical and investigative mind-set of the IFA, along with knowledge on financial transactions will give a unique outside perspective to the development of the guide. This will allow the development of an easy to use, yet effective screening tool that will not overlook individuals, or matters of a financial nature.

⁸¹ "Office for Witness Protection Republic of South Africa", 2020

It is indicative from the Babita case that whistle blowers of financial matters may not be given the same protection as those of other major crimes, and this collaboration may be a possible solution.

The last problem that remains is the capacity to handle a large number of individuals for protection. Providing protection to an individual whose life is at threat due to them being a witness or whistle blower is a delicate task that will require a reasonable amount of manpower. Many organisations in African countries do not have the capacity and as a result offer weak witness protection programs. Some countries may not even have the capacity to offer witness protection programs and as such, their relationships with other countries will need to be utilized to provide such services. As per the 2021 report of the African Organized Crime Index, Botswana for example, has not yet established a witness protection scheme.⁸² It can be assumed that if a need is required, Botswana will obtain assistance from Countries such as South Africa, as mentioned before, which has an established witness protection program. An inter-governmental organization such as SADC could assist in such a situation to facilitate the collaboration between member countries.

Such a collaboration between SADC members could also be publicised to the populous. The main idea behind this “step 3” is to tell the potential witnesses and whistle blowers that their security will be provided should they disclose important information that will assist in reducing human trafficking and terrorist financing. The role of the IFA in this step is also quite relevant as they use their skills to develop guides and provide suggestions that will strengthen potentially weak protection programs. The major take away from this step is that through the involvement of the IFA, financial crimes that may be overlooked for more serious crimes will potentially no longer be overlooked. If the link between stopping financial crimes and other

⁸² “African Organised Crime Index”, 2021

crimes can be established by the IFA in the process, this will lead to huge strides in reducing human trafficking and terrorist financing.

So far, this paper has established that the IFA will assist in developing and executing an awareness campaign, build guidelines to flag financial transactions related to human trafficking and terrorist financing and finally how to enhance protection given to witnesses. The question that now arises is whether these steps could actually make a difference. This can only be answered by executing a monitoring and evaluation process.

4. Monitoring and evaluation

The relevance of this step is to know the effects of the previous 3 steps upon implementation. Whether an increase in information relation to potential human trafficking and terrorist financing activities has occurred or not. In essence, increasing awareness, building a red flag guide and enhancing protection for potential witnesses and whistle blowers should drastically increase the amount of information received. This however is not guaranteed if any of the steps previously mention potentially has loopholes or deficiencies, thus this must be monitored.

It is not realistic to assume that these steps would be effective from the get go. It will only start being effective after a few months or even a year after application, depending on various external factors. It would be beneficial to monitor the amount of information received in relation to possible human trafficking and terrorist financing activities right after the reinforcement of protection step, and onwards.

It would be ideal to obtain statistics from the organizations that handle these channels through which potential information would arrive. The IFA in this situation would aid in interpreting this information, as the IFA is familiar in the analysis of large volumes of data. The IFA can then identify loopholes in the steps established above. It can be assumed that the number of

tips or information received from potential witnesses and whistle blowers will be low and it would increase at a possible steady rate if all steps are executed appropriately.

It may be argued that this task can be done by any other individual that is not an IFA, which is quite a reasonable argument. The IFA does not necessarily need to lead this step, this task can even be outsourced to individuals who specialise in analysing large volumes of data. Nonetheless, the IFA could be approached to assist in the evaluation and interpretation of data. The IFA is quite skilled in the application of data analytics, and as such, would aid in the interpretation of data over a number of years and ultimately aiding the creation of a portrait of potential information in relation to human trafficking and terrorist financing.

The first 4 steps in this strategy had a distinct goal in relation to reducing human trafficking and terrorist financing. The goal being to encourage potential witness and whistle blowers to report wrong doings in relation to these crimes. The IFA through such a process will also obtain a very detailed understanding of the potential weaknesses in laws, policies and procedures and this is also an area the IFA could potential have an impact on.

5. Identifying weaknesses and providing recommendations

In almost all African countries there are already laws, regulations, policies and procedures that have been established in terms of money laundering and other crimes such as human trafficking and terrorist financing. This has already been discussed to some extent in previous sections of this paper. The reality of the situation is however that in most cases, these laws are not known well, are not enforced and violations are not punished. This is evident as many African countries have a high criminality ranking.⁸³

⁸³ "Ranking by criminality", African Organized Crime Index, 2021

The IFAs role will be essential at this stage as they can identify the deficiencies in the current laws, regulations, policies and procedures that would make their ultimate task difficult or impossible, and that is to trace the money to the source of funds that support human traffickers and terrorists. This activity can also be labelled as identifying the money trail. A money trail is defined as “the investigation of a series of financial transactions, for example in order to reveal wrongdoing or to find out what happened.”⁸⁴ Just the use of IFA techniques and knowledge will not be of any use to trace the money if the legal system does not provide support. If support is not available, the tracing process would be similar to looking for a needle in a hay stack.

Tracing the source of money is not a straightforward process. This will require access to different forms of additional data such as banking details, personal details, company details etc. of potential culprits. In many African countries, privacy laws are becoming more and more strict, an individual, even for the purpose of investigation cannot spontaneously approach an organization for information. Nigeria has issued such a privacy law that emphasises the need for consent in certain situations and also allows law enforcement to perform duties in terms of investigations without too many boundaries.⁸⁵ There needs to be official documentation and the knowledge of related laws that will allow this process to occur smoothly. The IFA having knowledge of legal tools and having potential experience with working with legal teams would be in an apt role to once again identify possible laws, policies or procedures that may assist the battle against human trafficking and terrorist financing, especially on a financial crimes aspect.

To elaborate this situation further, we will look at a hypothetical situation where a motel has received suspicious transactions and they have used the red flag guide to identify these transactions. They have used established channels to inform authorities that suspicious transactions are occurring and a specific individual is making the payments. To obtain this

⁸⁴ Macmillian Dictionary, 2018

⁸⁵ “The Nigeria data protection regulation KPMG report”, KPMG, 2019

individual's information would be one of the good starting point for the IFA. For this situation we will assume the IFA has performed the necessary information gathering in collaboration with law enforcement to establish that this suspicion is genuine and he/she has been given the go ahead to carry out a financial investigation.

The IFA would now need to obtain documents related to the individual. Documents in this circumstance could potential be bank statements, income tax returns, employment related documentation such as pay slips, contracts etc. and credit card statements to name a few. As mentioned before, this is not a straight forward process, an individual cannot obtain these documents without assistance from a legal team and favourable established laws in a manner that does not alert the potential culprit. There may be circumstances where the information may not be obtained without the consent of the individual or there may be situations where the information obtained may not be valid in court due to certain privacy laws.

The IFA would be fighting an uphill battle if such situations are to occur. Ultimately the goal is to reduce human trafficking and terrorist financing, but if the IFA is not backed by the laws, regulations, policies and procedures, there is a very small chance the IFA can actually make a difference. If the IFA does identify loopholes and deficiencies in the laws and other official documentations that aid the investigation, suggestions must be made to relevant bodies to strengthen these.

This is obviously easier said than done. A law or regulation is not something that can be issued and passed in a matter of days, especially when it comes to African countries, which generally prioritize matters other than financial crimes. The Parliament of the Republic of South Africa has issued an image of how typically a law is issued this is presented as illustration 4.0.⁸⁶ It is

⁸⁶ "How a law is made", Parliament of SA, 2023

evident from this illustration that the IFA may not achieve much in terms of trying to suggest laws, within reasonable time.

Diagram of How a Law is made in South Africa

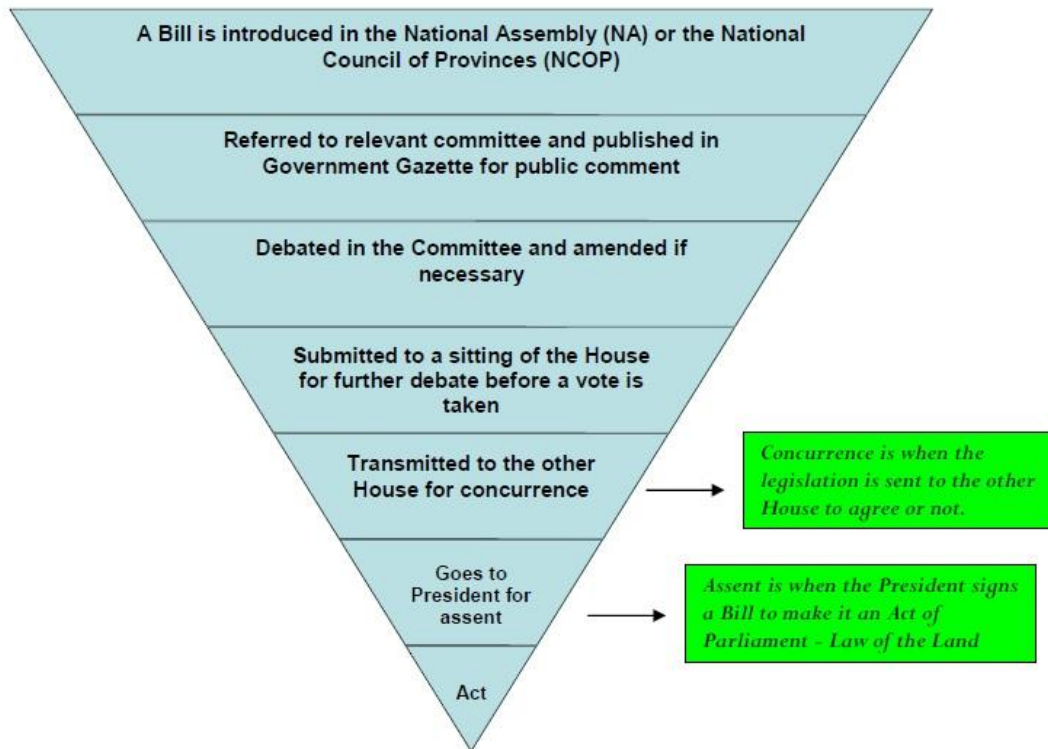


Illustration 4.0

In such a situation it must be highlighted that the battle is not to just reduce financial crimes, but to reduce crimes such as human trafficking and terrorist financing. The IFA can be an individual that clearly understands and can make the link between these activities to officials. It would be beneficial that the IFA does not get involved in political matters as there may be an issue if Independence being compromised, but they can suggest changes that will make a positive impact in terms of financial investigations.

In the history of both human trafficking and terrorist financing, there have been multiple campaigns to increase awareness, laws and guides being published to reduce these crimes but a specific focus on financial activities of these crimes with an IFA being at the centre of this

process may not have been fully performed in Africa before. This 5 step process will ideally allow African countries to obtain more potentially significant information from witnesses or whistle blowers in relation to these crimes and thus all the development of more investigative engagements that more IFAs can be part of. It is a very difficult and time consuming process that may not benefit the IFA on a financial basis, but it would allow the IFA to make an actual difference in trying to reduce these crimes.

The final step of this strategy involves actually performing the engagements as a result of the first 5 steps, and the paper will ultimately theoretically apply these 6 steps to two different countries in Africa.

6. Perform engagements

The IFA has played quite a different role to their usual ones in the initial 5 steps of the strategy. Step 6 will now allow IFAs to perform their most significant roles, to perform financial investigations and loss quantifications. The idea behind this step is to outline a general strategy for the IFA to utilize one potential engagements that will arrive through the initial 5 steps. It is worth noting that each engagement received by an IFA is different, and the approaches to these engagements may be different, but the intention is that this step will bring about completeness to the overall strategy.

Ideally at this stage a lot more engagements must emerge for the IFA. These will most likely be handled by law enforcement and other Government entities that predominantly handle criminal cases. The IFA in this situation can be part of an investigation that includes financial crimes, but if the IFA is part of the development of the first 5 steps, it is likely a conflict of interest threat may exist. For the purpose of this paper, conflict of interest threat can be defined as an IFA's personal interests compromising that IFA's judgement.⁸⁷ It would be ideal for the

⁸⁷"Understanding conflict of interest", University of central Florida, 2016

IFA to not handle engagements in countries where they assisted in setting up the first 5 steps. Referral of these cases to other IFAs who would not have any conflict of interest threats would be the best way to neutralize such a threat. Of course the Country in which the first 5 steps have been implemented can independently employ other IFAs, to also avoid any conflict of interests threats through referrals as well.

Once engagements have been obtained and a conflict of interest threat is non-existent, the IFA can now really start using their unique skills and get involved with the investigation. The use of IFA techniques listed previously in this paper will now be explored in more detail in relation to financial investigations in human trafficking and terrorist financing.

As mentioned at the beginning of this step, even though each investigation is different, this paper will outline the use of few techniques that can be used in most cases and will try to explain these techniques in an operational context. At this stage, the first 5 steps are assumed to have been reasonably successful and thus the material mentioned in those 5 steps, such as the red flag guidelines, will be assumed to be available for investigation purposes.

The first technique an IFA can use are interviews. In the context of financial crimes in relation to human trafficking and terrorist financing, the approach to these interviews may be quite different as compared to those performed in a civil context. The approach will also defer from what the IFA will use in step 2, when interviewing investigators to develop the red flags guidelines.

In a case related to human trafficking or terrorist financing, the IFA will need to interview specific individuals to obtain data on the financial activities related to these crimes. When looking at human trafficking, the potential interviewees may be the witnesses, whistle blowers or even the victims or traffickers themselves. The IFA will need to make sure they are not interrogating these individuals, but with a situation such as where the interviewee is the

trafficker themselves, the assistance of other individuals who are experts in interrogation will be required. The IFA should not interrogate the interviewees as it may be seen as stepping out of their expertise and may hinder the evidence collection and ultimately their report if it proceeds to court. The IFA should only perform normal interviews and may witness interrogations if permitted.

It would be beneficial to define what is a normal interview and an interrogation for the purpose of this paper. The U.S. Department of Justice states that “Although the purpose of both interviews and interrogations is obtaining information, the interview is an informal procedure whereas the interrogation is formally questioning a person with information about a suspected crime.”⁸⁸

The overall idea behind these interviews are to get a picture of the financial activities behind such crimes. Interviewing the witnesses or whistle blowers will be more in the area of expertise the IFA possess. With these individuals, a normal and neutral interview, which may simulate a discussion would be the best way to gather information. There may be other individuals involved who may fall under the list of interviewees, but the basic strategy should be the same for the IFA, to gather information. In terms of terrorist financing, a similar strategy would be used, except for when a possible terrorist may be interviewed. In this situation, which is not an impossible meeting for the IFA, interrogation experts may be consulted once again.

Email reviews are an another technique that will provide a different perspective for the IFA in terms of data gathering. Statistically speaking, the number of emails that are send and received each day across the world are estimated to be in billions.⁸⁹ In a case of human trafficking and terrorist financing, this may not be a very straightforward process in terms of getting permission to use this technique. Depending on privacy laws, the information obtained from such a

⁸⁸ “Basics of Interviewing and Interrogation”, U.S. Department of justice,1982

⁸⁹ “Number of sent and received e-mails per day worldwide from 2017 to 2025(in billions)”, Statista, 2020

technique may not be applicable in court under certain jurisdictions if proper permission is not obtained, as seen in the Nigeria Privacy laws mentioned above. The IFA must make sure they receive the proper permission from law enforcement and other organizations in a country that has the power to allow this technique to be used, usually without the permission of the email owner.

Email reviews are a very important technique in such engagements as vital communications and links may be obtained from the emails of potential individuals involved. The IFA will need the assistance of IT personnel and individuals who are skilled in breaking coded messages in certain occasions. The IFA will also be able to contribute their knowledge in identification of money laundering and suspicious transactions and other related suspicious activities and documentation.

IFAs are also knowledgeable on public platform searches for the purpose of investigation and this will also aid in information gathering. In relation to both crimes, the IFA can aid investigations with data gathering on social media. Even though there are specialists performing these tasks in investigation teams, the IFA may potentially be able to identify suspicious financial links that may aid the investigation. Such an incident may be when a potential culprit is living beyond his/her means, the IFA may be in a more apt position to determine the individual is in fact living beyond his/her means based on social media posts and tax returns or other vital documentation.

The IFAs knowledge of legal tools to aid data gathering is also vital in investigations. The IFA can make sure data gathered and the ultimate report potentially produced to present in court is performed without any deficiencies or loopholes on a legal context. If the ultimate report stipulating financial wrong doing is strong, it may be possible to prosecute potential human trafficker and terrorists if criminal grounds are weak. One of the most relevant examples of such a case would be that of the American gangster Al Capone. The conviction of Al Capone is considered one of the first, if not the first case where forensic accountants assisted law enforcement agencies to prosecute a criminal. Illustration 5.0 presents an interesting image of the notorious gangster.⁹⁰

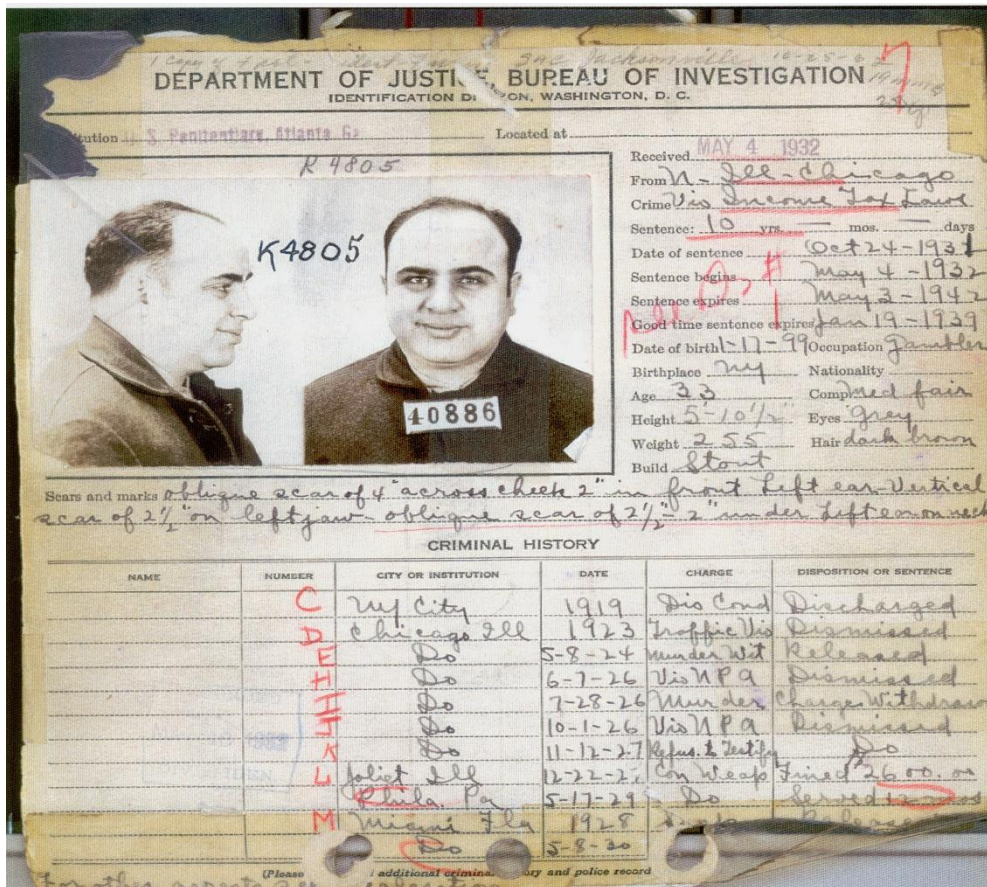


Illustration 5.0

Frank J. Wilson and his team are the ones who are considered the inventors of Forensic Accounting. In the process of investigating Al Capone, as part of the Internal Revenue Service

⁹⁰ "Al Capone", FBI, 2023

(IRS), Frank J. Wilson and his team interviewed many individuals over a span of months and ultimately found a ledger entry linked to Al Capone. The notorious American gangster was ultimately charged with 23 counts of tax evasion and confined in the notorious prison known as Alcatraz.⁹¹ This origin story evidently emphasises the important role an IFA can play in prosecuting criminals.

Once financial data has been received from the potential culprits or sources, the IFA will then perform their analysis to identify any anomalies. In most situations, data analytics tools will be used. The procedures performed on data include, trend analysis, ratio analysis and duplicate identification to mention a few, but the general strategy would be to identify financial activity that seems odd and may be a potential link to human trafficking or terrorist financing. This is quite a complicated task but the expertise of the IFA and knowledge of fellow team members of the investigation team can allow for a collaborative strategy to perform this procedure. These tasks can also be performed on physical documents but this will be a more tedious procedure.

The techniques mentioned above are non-exhaustive but for the purpose of this paper the best techniques that may be used in multiple engagements were chosen and elaborated on. The key take away from these 6 steps is that the IFA can play an important role in relation to reducing these crimes, it may not be a main role all the time, but it is quite a reasonable one.

This paper will now explore potential suggestions on new laws, regulations, policies and procedures that can potentially aid such a strategy. It should be noted the suggestions are based on the loopholes and deficiencies mentioned in this paper and for the purpose of strengthening the 6 step strategy.

⁹¹ "How Al Capone was caught out by a forensic accountant", CPA Australia, 2023

8.2 Potential new Laws, regulations, policies and procedures that can be developed

In relation to human trafficking and terrorist financing, there are multiple efforts being made to combat these crimes. Preventative measures are being taken through the issuance of laws, regulations, policies and procedures. Even though these have been issued in many countries, including African countries, there is still a lot that can be developed to reduce these crimes.

In terms of prevention, this paper mentioned a red flag guide on suspicious financial transactions. Ideally this guide would allow more suspicious activities in terms of financial transactions to be identified, specifically in terms of human trafficking and terrorist financing. This document would definitely need some legal backing to enforce its use. There can be potential laws, policies or procedures that can be developed, thus legally backing the application and usage of this document. It is also beneficial to enforce the production of an annual report from the users as well, to be filed at a specific governmental department to monitor the application of these guidelines. The non-compliance should potentially also have some consequences such as fines or warnings, which should be stipulated in the same laws, regulations, policies or procedures.

The strengthening of witness or whistle blower reporting channels and protection is another pivotal aspect. Potential policies and procedures can be issued in this instance to maintain quality in terms of the reporting channels and the protection given. Included in these would be benchmarking guidelines on reporting channels (Hotlines, emails, walk in complaining and virtual), recommendation for annual assessment of these channels and reporting of statistics to relevant bodies for assessment of effectiveness. In terms of protection, policies and procedures can be issued to emphasis on the screening guide, mention in the 6 step strategy, used to screen individuals who apply or require protection. This will be very beneficial, especially in countries where a guiding tool is not available, bringing about a form of standardization of this process.

The involvement of an IFA is a key aspect of this paper. Thus it would make sense to suggest a policy or procedure that emphasises the involvement of an IFA in engagements with specific criteria. Possibly, if the financial amounts in an engagement is estimated to be above a certain level, the policies and procedures could recommend the involvement of an IFA. It may not make sense to suggest this as a law, even though this would have been very ideal. The reason for not recommending a law being the limited amount of resources available, namely the IFAs themselves and the general fees related to IFAs. Not all forms of engagements can afford IFAs if they are not willing to provide their services only with the mind-set of helping a nation.

8.3 How IFAs can get/inspire other professionals involved in this battle

As mentioned in this paper previously, the involvement of the IFA in battling human trafficking and terrorist financing is a process which may not be financially profitable to them at all. The mind-set the IFA will potentially have when tackling such engagements is only to assist in reducing these crimes. Inspiring other professions in such a context may be a challenging task, given that it is not profitable. It is indeed a tough ask, but the IFA can approach other experts with the following:

- Highlight ability to make a difference
- Highlight the fact that victims need help
- “An uphill battle that needs warriors”
- Focus on the greater good

To inspire one to join such a battle may be dependent on the ability of the IFA to convey the tasks they do for such engagements. If the 6 step strategy is implemented and positive changes are arising in a country, conveying this to other professionals that can contribute to the strategy would bring about a more positive response. But at the end of the day, you cannot force individuals to be part of such a process. As much as an IFA can try to convince other experts,

if they are not willing to be part of the battle, it may not be fruitful. Thus, it is more realistic for the IFA to perform their part and allow the positive effects of their efforts to be publicised and naturally draw in other individuals to join the battle.

8.4 Focus on specific countries where human trafficking and terrorist financing are currently greater in Africa

As a strategy has been detailed on how an IFA can combat human trafficking and terrorist financing, the focus of this paper will now move on to specific countries in Africa where this strategy could possibly be implemented. As the selection of the countries are based on two different methodologies, the application of the strategy will also be explained in two parts.

8.4.1 Human trafficking

The method of selecting countries in Africa for this analysis will be based on the Global Organized Crime Index. The Global Organized Crime Index is defined as “a multi-dimensional tool that assesses the level of criminality and resilience to organized crime for 193 countries along three key pillars – criminal markets, criminal actors, and resilience.”⁹² The Focus will be on one of the top African Countries ranked in terms of human trafficking.⁹³ The country that will be focused on will be **Burundi**, this is based on their position as one of the countries with the highest rate of human trafficking and their applicability of the strategy outlined above.

8.4.1.1 Burundi

Burundi is a country where majority of its population faces extreme poverty, with majority of Burundians falling below the poverty line. In rural areas, the minimum wage is a third of the capital city’s wage, forcing rural workers to make ends meet on less than a dollar a day. Many Burundians lack access to clean water and basic sanitation and electricity. In addition to a high

⁹² “Global initiative against transnational organized crime (2020)”, 2020

⁹³ “Ranking by Human Trafficking”, African Organized crime index, 2021

rate of extreme poverty, political instability and widespread violence have led to an increase in human trafficking in Burundi.⁹⁴

According to the United States Department of state report (2021), “Burundi is a source country for trafficked persons, where traffickers exploit domestic and foreign victims internally, as well as Burundians from abroad. Adults and children can be coerced into forced labour, domestic servitude, prostitution, and other forms of sexual exploitation throughout the region and globally.”⁹⁵ The United Nations Children’s Fund have stated that majority of the country’s younger population do not complete their education, and thus have no other choice but to take part in lower skilled labour.⁹⁶

The International Labour Organization (ILO) and the Government of Burundi found, in a collaborative study, that child labour was commonly used to harvest “cash crops” such as coffee. The study also found that traffickers try to recruit people they know into forced labour. Forced labour also occurs, sometimes because of human trafficking. Burundi’s primary catalysts for human trafficking are its major industries.⁹⁷

In 2019, the International Organization for Migration (IOM) partnered with the Burundian Government to launch Burundi Counter-Trafficking, a project to strengthen the government’s capacity to fight human trafficking. This Burundi Counter-Trafficking project (2019-2022) served as a coordination mechanism for government ministries and linked them to the national police and civil society to implement anti-trafficking measures. Strengthening the national referral system for protection, providing reintegration assistance to trafficking victims and building capacity for security agencies to effectively reduce and prevent human trafficking were also the aims of the project. It is also worth mentioning that the project aimed to generally

⁹⁴ McGonigle, Curtis, “Addressing Human Trafficking in Burundi”, 2021

⁹⁵ “Burundi improves anti-trafficking efforts according to United States 2021 Report”, UN, 2021

⁹⁶ “Burundi Education”, Unicef, 2018

⁹⁷ “Global estimate of modern slavery”, ILO, 2022

raise awareness on the basic rights of populations and create standard operating procedures for law enforcement stakeholders on handling human trafficking cases.⁹⁸

Given the need to reduce human trafficking and the fact that the country has a bit of experience in implementing strategies to combat this crime, it would be more likely that the strategy outlined in this paper would be welcomed by Burundi. The goals set out by the Burundi Counter-Trafficking project, could be assumed to be beneficial for the first 5 steps outlined above. The added benefit of the 5 steps is that the skills and expertise of the IFA will be highlighted as compared to their already implemented strategy.

There will obviously be many challenges in such an environment, but Burundi is a relatively politically stable country that is trying to make efforts towards reducing human trafficking and such a country would potentially be ideal to implement the 6 step strategy.⁹⁹

Step 1, spreading awareness, can potentially be well achieved in Burundi. As per the Burundi Counter-Trafficking project, raising awareness on the basic rights of the population was a goal set out.¹⁰⁰ It is possible that there are channels and organizations that are experienced and willing to implement further campaigns to aid the battle against human trafficking. The utilization of such channels, and increased utilization of social media platforms as mentioned in the 6 step strategy, will allow a greater awareness of human trafficking signs, issues, and other related information, as well as what are the added benefits of an IFA being involved. The increased popularity of cellular phones and internet usage will aid this process as well.¹⁰¹

Given that Burundi is trying to at least meet minimum standards in terms of efforts to reduce human trafficking, it is potentially reasonable to assume that the development of a red flags

⁹⁸ "Counter Trafficking in Burundi", UN, 2018

⁹⁹ "The Global economy, Burundi: Political stability", 2021

¹⁰⁰ "Counter Trafficking in Burundi", UN, 2018

¹⁰¹ "Mobile communications and Internet in Burundi", Worlddata, 2021

guideline, Step 2 of the strategy, would be backed by the Government. Of course, the IFA may not be in Burundi for these steps to be implemented. If the IFA is not present in Burundi, local correspondence would make the implementation of the strategy much easier. Local Government and other organizations trying to combat human trafficking within Burundi may be willing to facilitate such a correspondence. Once consultation has taken place with the investigators and an image has been created of local laws, policies and procedures, as well as the financial activities of traffickers, the IFA can now create the red flags guide for the country. Step 3, reinforcement of protection to witnesses or whistle blowers, will be the step with potentially the biggest challenge. The protection provided to witnesses and whistle blowers in Burundi can be presumed to be quite weak and this poses a great challenge for a greater number of cases to potentially emerge. As outlined in the strategy, step 3, after the IFA provides possible suggestions for the improvement of protection given and the country is unable to make an actual effort, they must obtain assistance from allied countries. Strengthening witness or whistle blower protection will once again reinforce the measures taken through the Burundi Counter-Trafficking project.¹⁰²

To reinforce witness or whistle blower protection, the idea of approaching an allied country through the efforts of a national body in Burundi is not a very straightforward process. It may seem difficult but it is evident that Burundi, as a nation is trying their best to combat human trafficking. This is evident as in 2021 the United States Department of State announced that “Burundi had successfully moved from Tier 3 to Tier 2 watch list classification.”¹⁰³ It can be assumed that a proper explanation of the 6 step strategy and the hands on involvement of the IFA to implement the strategy may allow Burundi to really push for allied assistance.

¹⁰² “Counter Trafficking in Burundi”, UN, 2018

¹⁰³ IOM, 2021

Monitoring and evaluation of the situation in Burundi after the implementation of the first 3 steps is the next pivotal task of the IFA and their team, step 4. Effective reporting is a possibility present in Burundi. If this is the case, these channels may also aid the 6 step strategy. What forms of reporting channels may be present and what may be used would depend on the frequency and accuracy of data, but ultimately a reasonably accurate picture must be obtained on whether the first 3 steps have increased the number of witness or whistle blower communications. If effective reporting channels are not present, the IFA can make the efforts to assist in establishing them as well, as per the outlined 6 step strategy.

Through the data received, the IFA would be able to see the deficiencies in the system within Burundi that prevents more cases from being established and resulting in prosecution in relation to human trafficking. The aim of the IFA would be to suggest potential laws, regulations, policies and procedures to strengthen whistle blowing channels, witness protection, and financial evidence collection (Step 5). The reality of the situation may be that the IFA cannot influence such processes in terms of laws, the only possibility in the form of policies and procedures. This may not provide the maximum impact, but nonetheless, it is a step in the right direction to combat these crimes.

Ultimately, Step 6, performing engagements is the last step in this strategy. It has been made clear that if the IFA is part of the initial steps, a conflict of interest may exist and thus it would not be right for the same IFAs to perform resulting engagements. Outsourcing the resulting engagements to other IFAs by the respective departments in Burundi would be the best way to execute this step.

It should be noted that the application of the 6 step strategy in Burundi is a highly hypothetical exercise and there will be lots more challenges and complexities in relation to the application of such a strategy in reality. The purpose of such a section is to show that there is a likelihood

for such a strategy to be implemented, if proposed, given the uniqueness of the strategy and the efforts trying to be made in Burundi.

8.4.2 Terrorist Financing

FATF have developed a black list, High-risk jurisdictions subject to a call for Action in regard of money laundering and terrorist financing and a grey list, jurisdictions under increased monitoring for money laundering and terrorist financing as well. Currently, there are no African countries on the black list. However, the grey list contains African countries and based on the applicability of the 6 step strategy, the Democratic Republic of Congo has been chosen for this paper.¹⁰⁴

8.4.2.1 Democratic Republic of Congo

The DRC has given rise to a highly unstable situation, a dangerous chaos in which criminal organizations partner with rogue leaders and al-Qaeda.¹⁰⁵ According to research done by Guillermo O'Donnell, the DRC can be placed in the category of failing state.¹⁰⁶ With an overall understanding of the DRC's political and anarchic climax, it is easily easy to conclude that the DRC can be an exceptionally good environment for terrorist financing and terrorist organizations to flourish unpunished in its territory.

In 2013, a study performed by the Global Speciale Mobile Association (GSMA) stated that "The DRC remains a predominantly cash-oriented society, with minimal access to formal financial service."¹⁰⁷ Over the last 10 years, due to external factors such as political instability and violence, most transactions, even those of legitimate businesses, are assumed to be carried

¹⁰⁴ ""Black and grey" lists", FAFT, 2023

¹⁰⁵ Tara Candland et al., "Program on extremism", 2021

¹⁰⁶ Guillermo O'Donnell, "On the state, Democratization and some conceptual problems (A Latin American View with Glances at Some Post-Communist Countries)", 1993

¹⁰⁷ "Mobile Money in the Democratic Republic of Congo", GSMA, 2013

out in cash. The DRC lacks a financially sound and well regulated banking sector. Inadequate enforcement resources make the system very susceptible to money laundering.¹⁰⁸

The deficiencies in terms of Anti-money laundering and combating terrorist financing in DRC was outlined in the Anti-money laundering and counter-terrorist financing measures DRC mutual evaluation report (2021). The report stated that DRC generally has poor understanding of money laundering and terrorist financing risks. They have taken up frameworks to combat these but they are still quite weak. The report specifies on the reason for the increased terrorist financing risk, “The FT risk is also significant because of the security situation, marked by the activism of armed groups and gangs, the instability of some neighbouring countries in the eastern part of the country and the porous nature of borders.”

The report also specifies that the DRC has a financial intelligence unit that processes, analyses and disseminates reports it receives from regulated entities on suspicions of money laundering or terrorist financing but submission of reports are low. Weaknesses in the legislative and regulatory framework have also been outlined. The banking sector, as per the report has implemented Customer Due Diligence measures and constant monitoring of transactions, but they are also quite weak. One of the key statements in this report is “The DRC has a satisfactory legal framework for mutual legal assistance and extradition. However, the effectiveness of its implementation remains very limited in the area of AML/CFT due to the lack of requests received and requests issued.”¹⁰⁹

It is quite evident that the DRC has tried to implement a strategy to reduce terrorist financing activity in the country, even while facing many other external challenges such as terrorist groups. As mentioned before in this paper, money laundering is a large part of this crime and efforts have also been made by the DRC in regard of combating this issue as well. In such an

¹⁰⁸ “DRC Technical report”, International Monetary Fund, 2022

¹⁰⁹ “Anti-money laundering and counter-terrorist financing measures DRC”, 2021

environment, the 6 step strategy is potentially quite likely to be implemented if proposed and may possibly make a positive difference to the DRC's current situation. The fact that the DRC is grey listed by FAFT, in terms of money laundering and terrorist financing activity even after their efforts shows the possibilities of engagements for an IFA to handle.¹¹⁰

From the Anti-money laundering and counter-terrorist financing measures (AML/CTF) DRC mutual evaluation report (2021)¹¹¹, it is quite evident that there is a lack of awareness in the country in terms of money laundering and terrorist financing. It is also quite inevitable that the knowledge on IFAs is also quite weak, thus Step 1, spreading awareness, is needed. Social media campaigns on the dangers of terrorist financing, terrorist activities, money laundering and highlighting an IFA and their skills will bring about a new view towards such crimes. The aim of such an awareness campaign is to specifically highlight the dangers of such crimes and to specify that an IFA can actually make a difference in this battle by following money trails.

Step 2, preparing red flag guidelines, is also a necessary step required in the DRC, aimed especially at banks. Banks do have measures such as monitoring transactions but as previously mentioned, the banking system is weak in terms of money laundering. A more detailed red flag guide, made with the experience and skills on an IFA and supported by the knowledge of investigators in the DRC will really enhance the tools available to them. Step 3, reinforcing protection for witnesses and whistle blowers is most pivotal. As there are many militia groups or terrorist groups that are visibly influential and powerful in the country, potential witness and whistle blowers will be very reluctant to assist in the reduction of these crimes. It is quite evident in the AML/CTF DRC mutual evaluation report that measures or frameworks are present in the country but they are not receiving much information to investigate and possibly prosecute.

¹¹⁰ ""Black and grey" lists", FAFT, 2023

¹¹¹ "Anti-money laundering and counter-terrorist financing measures DRC", 2021

Witness or whistle blower protection is thus required to increase the confidence the public has on the systems established and this 6 step strategy as well. As detailed before, the assistance of a Government department to better the current set up for witness protection will be needed. As the environment may be too dangerous for witnesses or whistle blowers of significant matters to stay in, collaboration with allied countries, such as members of SADC, is also required. The assistance of organizations such as the United Nations may be available depending on the severity of the situation.

Step 4, monitoring and evaluating the situation in the country to determine progress will be an interesting task given the activity of terrorist groups within the DRC. Even if witness protection is strengthened and awareness is spread, to build the trust of the public of such a nation may be a tough task. The monitoring process may need to last a longer period of time as compared to the strategy suggested for Burundi. Success will only be achieved if the number of witness or whistle blower reports increase.

Once deficiencies in information gathering and prosecution of potential culprits have been determined, the next step is for the IFA to suggest possible improvements to laws, policies and procedures. It is realist to say policies and procedures may be implemented and accepted rather than suggested laws. There is obviously a reluctance to establish laws in such matters as there may be many challenges, especially the fact that militia groups hold a lot of power and have built a reputation of destruction.

Once the first 5 steps have been implemented properly, it is reasonable to assume that witness or whistle blower complaints will potentially start to increase, and thus possible engagements. As detailed in the paper before, the IFA that is involved in establishing the first 5 steps should not take up step 6, performing engagements, they should be outsourced to other IFAs.

Once again, it should be noted that the application of the 6 step strategy in DRC is a highly hypothetical exercise and there will be lots more challenges and complexities in relation to the application of such a strategy in reality. The purpose of such a section is to show that there is a likelihood for such a strategy to be implemented, if proposed, given the uniqueness of the strategy and the efforts trying to be made in the DRC.

9. Conclusion

Human trafficking and terrorist financing are two issues wreaking havoc all over the world, but these crimes are evidently affecting African countries at a greater scale. There are measures being taken, especially in the identification of these crimes. From a financial perspective, measures in terms of money laundering are also being implemented, but these are more general approaches. There are very little efforts being made, from an African perspective, on targeting specific financial activities related to human trafficking and terrorist financing.

This paper has tried to define what human trafficking and terrorist financing are, the most relevant laws, policies and procedures present and the deficiencies & loopholes that are taken advantage of by traffickers and terrorists. Based on this information, the IFA has been defined as someone with unique skills that could make a possible difference in the battle against these crimes, on a financial perspective. For this purpose, the 6 step strategy was developed.

The implementation of such a strategy is of course not a straightforward process. Theoretically it may seem quite straight forward, but realistically an IFA will need the assistance of Organizations such as the UN and Government Departments in the respective countries in which the strategy may be implemented, as well as a lot of patience and perseverance. The idea behind such a paper and strategy is to provide an idea of how an IFA can actually be involved in this battle. It is not always clear if an IFA can make a direct impact on reducing these crimes,

but the paper tries to explain that, yes in fact, the IFA can make a direct impact on reducing these crimes.

It is said one man or woman cannot change the world, but if an ambitious idea is proposed and it is considered by at least a few, hopefully it can evolve into efforts that ultimately make an impact on the world.

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