

# Legal issues concerning the influence of tourism with infractionar character, targeting trafficking in cash to finance terrorism

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*Abstract:* Reportings by intelligence and law enforcement indicates that cash smuggling is one of the major methods used by terrorist financiers, money launderers and organised crime figures to move money in support of their activities. The safety measures token to prevent the terrorists acts tend to become a permanent and daily element of life and equally the terrorism that draw in routine almost “tolerable”.

*Keywords:* Fraud, cross-border transportation of cash, detecting, preventing

## 1 Introduction

The use of cash couriers is now recognised as a major method for terrorists to move funds[1]. To address this issue, the competent Bodies of Financial Control (BFC) issued Special Legislation and its Interpretative Note which were developed with the objective of preventing terrorists and other criminals from using cash couriers to finance their activities or launder their funds[2].

While the Interpretative Note is intended to further explain the obligations set out in Special Legislation, this Best Practices Paper is intended to give additional details and guidance on how to detect cash couriers and how to implement effective measures to prevent the use of cash couriers by terrorists and other criminals.

The international terrorism increased rapidly between 1960-1971 peaking with attack of 11 september 2001. After a short period of peace, the terrorist violence marked the beginning and the ending of 80's. Between 1990 – 2005 were many terrorist events, but the natural calamities and their magnitude are incomparable with those beforehand.

The experts speculate that the terrorists continues to choose vulnerable targets and their attacks will be more nondiscriminatory. The terrorism will be a common method of armed conflict, and the public will be, more than ever, powerless witness in front of these terrorists acts. These fact is demonstrated by the terrorists

attacks to the American territory: the bomb from World Trade Center in 1993, the bomb from Oklahoma in 1995, the bomb from American military base from Saudi Arabia in 1996, the bomb from Olympic Park in Atlanta in 1996, the bomb from international airport O'Hare from Chicago in 1996, the human bomb and the destruction of World trade Center in 11 september 2001.

Cash couriers use a variety of methods to smuggle cash; however, a preferred method is the use of commercial airlines for the following reasons:

- the passenger (courier) can stay close to his money during transport;
- many foreign destinations can be quickly reached; and
- little preplanning is required.

Land border crossings also offer advantages to the cash courier, including the ability to conceal the currency in the courier's vehicle. Another leading method of cash smuggling is through the mail[3].

The contemporary terrorism is identified by many specific characteristics, who differentiate from the forms of terrorists acts from early decades.

- 1.- The Marxist Leninist terrorists from 70' - 80's were replaced in majority by the fundamental moslems;
- 2.- the terrorist countries who purchase arms, money, technique has changed: Moskow, Sofia,

East Berlin were changed by Iran, Irak, Libya, the Northern Korea, Syria, Sudan in 1990;

3.- the settlement of the connection between terrorists and their groups becomes much difficult;

4.- the use of weapons of mass destruction (biological, chemical and nuclear) increases considerably.

Some of the security measures that we can apply to station design are the result of lessons learned by transit agencies that have experienced terrorist incidents. There have been hundreds of terrorist attacks on rail systems throughout the twentieth century.

These have ranged in severity from mere threats causing evacuation and service disruptions to sabotage resulting in property damage to large-scale attacks inflicting injuries and fatalities.

*Technical capabilities.* Countries are also encouraged to develop specific technical expertise to increase their capacity to detect cash at the borders. All mechanisms employed should be utilised on a risk and intelligence led basis given the volume of cross-border movement. In line with this, jurisdictions need to ensure that their cross-border currency reporting systems are adequately resourced and funded.

*Other forms of cash.* Countries should apply Special Legislations and its Interpretative Note to the cross-border transportation of *currency and bearer negotiable instruments*. Additionally, countries are encouraged to consider applying these measures to other forms of cash and bearer negotiable instruments that may keep the anonymity of the bearer, payer or payee.

For example of case studies of five terrorist or quasiterrorist campaigns that inflicted serious property damage, injuries, or fatalities: 1. The IRA (Irish Republican Army) bombings against the London rail system-early 1970s to mid-1990s, London 2. The Fulton Street Station fire bombing-December 21, 1994, New York City 3. The sarin chemical agent release on the Tokyo subway-March 20, 1995, Tokyo 4. The GIA (Armed Islamic Group) bombings on the Paris rail system-July 1995 through December 1996 5. Al Qaeda's attack on the RENFE (La Red Nacional de los Ferrocarriles Españoles) subway system-March 11, 2004, Madrid[4].

These case studies were chosen because of their severity and high visibility, and because they targeted five major transit systems of the world. Additionally, these incidents span a range of geographic areas, including Europe, North

America, and Asia. The IRA attacks were a prolonged campaign that lasted from the early 1970s to the mid-1990s and terrorized British rail passengers. The Fulton Street Station bombing was the second bombing by the perpetrator and had unique characteristics in comparison to the other three case studies, because the bomb was an incendiary device. The sarin chemical agent release was the first time a chemical weapon of mass destruction was utilized by a terrorist group in a major attack. The Paris bombing campaign was similar in nature to the IRA campaign, but much shorter in duration, lasting a couple of years in the mid-1990s. Finally, the Madrid attack was the first time Al Qaeda's new brand of global terrorism hit a major railway system. This section discusses each of the five case studies, describing the events and identifying the key design elements that had a significant impact on the response, recovery, and mitigation of the effects of the terrorist attack. Primary sources of information for this section were drawn from interviews with transit officials in London, New York, Tokyo, Paris, and Madrid[5].

As a response to these terrorist threats, many countries joined their forces in antiterrorist activities, they have adapted legislative arsenal and the potential of information. Starting with 1995 were held many multilateral conferences to provide basic of global antiterrorist strategies. In the meanwhile, the countries who are directly threatened consolidated their legislative arsenal. In 1996, the president Clinton signed an act who provide the power to the federal state regarding antiterrorist fight.

In developing measures to detect the physical cross-border transportation of currency and bearer negotiable instruments for terrorist financing or money laundering purposes, it is critical that countries conduct interdiction operations to disrupt this criminal activity.

The terrorist act is rapidly and concise, points public attention and is highly publicized. Paradoxical, the tourism and terrorism have common features: implies citizen from different countries, use travel technology and modern communications. The development of this kind of armed fight may affect for a long period of time the international tourism and may change radically the behavior and flow of tourists. In some countries, a persistent terrorism may affect the image of destination and compromising long-term the tourism activity.

The tourism suffer, particularly, when the terrorist attacks are extended and especially when

the terrorist attacks aimed at tourists, or thru them. The tourists are perceived like ambassadors of their countries, they are easy targets, they are symbolic cargo carries as indirect representatives of a hostile government or indifferent. The terrorists are perfectly fully aware of the importance of their actions and the impact on the population when the tourists are kidnapped or shot. This kind of situation is rapidly dramatized by the mass media, who gives a global notoriety to the conflict between terrorists and respective government.

The terrorist objectives are ideological, strategic and tactic. Their ideological objectives are for a long period of time ad in the context of national struggle[5]. The tactical objectives motivated by immediate interests are: the places and tourists institutes, tourists themselves, resorts or places of residence of the political elite, social and economic (they are often international tourist resorts frequented by a customer). The places with touristic potential represent one of the terrorists objectives. By a general manner, the terrorists have much to gain by attacking the tourist objectives:

- a) the tourism symbolize the capitalism, and if an enemy state is attacked by mean of their tourists, these attack is in fact an attack to the respective state;
- b) the terrorist attack focused on the tourist targets lead to the instability of the foreign trade, allowing by this way to the terrorists to give an indirect hit to that state economy;
- c) the decision of the tourists to stay in their country or to choose another destination more safely, cause economic loss for the country attacked by terrorists

The effect of the terrorism was substantially for the tourism. In 1985, over 5 million American citizens visited Europe and in 1986, another 7 million. Over 54% from the American tourists cancelled their reservations for Europe with increases of the terrorist attacks. World Tourism Organization estimates that the losses in net receipts from international tourism are about 105 billion USD. Some of the tourists perceive the terrorist hits over a country like a great risk for the entire region. One essential factor in determining the touristic behavior in front of the terrorist menaces is mass media. In some countries, mass media represents the interests of the terrorists, like Al Jazeera Broadcasting.

The tragic events from 11 September influenced the tourism from all over the world. In 2001, the development of the world tourism was

reduced, and the international arrivals decreased with 0.6% under the effect of terrorist attacks and the economic regress of the major tourist markets.

The worldwide tourist regions were affected unequally: Southern Asia (- 24% from September to December 2001), America (-20% in the same period), the Middle East -11%. On the whole, in 2001 the decreases were 6% for America and Southern Asia, 3% for the Middle East and 0,6% for Europe. On the contrary, Eastern Asia and Pacific benefits a 5% raise and Africa 4%. In the following years, the terrorism had effects not ignorable on the tourist activities.

In Egypt, the terrorist attack from Cairo (September 1997), then that of Luxor, affected seriously the tourism who was in continuous growing. The year 1998 was one of regress regarding tourism, by approximately 13%. The recovery was rapidly, with 40% increase in 1999. Like many other countries from Middle East, Egypt was affected by the 11 September attacks in 2001. The country ended the year with 15,6% increase for the tourist frequency. Is good to remind here the terrorist attack from Sharm El Sheic from 2006[6].

In Turkey, year 1999 was one of regress in terms of tourism. The terrorist attacks from these countries determined many cancelling of the tourists who wants to arrive in this country. The earthquake from 17 august made that Turkey to become a risky destination.

## 2 Conceptual Model of Transit Terrorist Events

Following the July 2005 bombings in London, concerns with transit security rank very high among transportation officials and transit riders. Detering and minimizing terrorist attacks involves assessments of vulnerabilities, the mitigation of weaknesses in the system, and the development of effective response and emergency plans. Yet planning for transit security to date has largely been ad hoc and often ambiguous. For example, surface transportation security tends to focus less on deterrence and more on mitigation, quick response, and the rapid restoration of services after an incident. In contrast, the study that follows examines and compares responses to transit terrorist incidents, conceptualizing a process that extends over a very long time frame, approximating the life of the transit system. The analysis of international terrorist incidents that follows has gathered

information relevant to each of the four stages described below:

***Stage One-Planning, Designing, and Building:***

It is important to incorporate into the planning and physical design of a transit system the best current knowledge of terrorist threats, thereby minimizing through system design the potential damage of incidents that could occur at any time, even decades later. The choice of materials for the construction of stations and vehicles, for example, should be made on the basis of full consideration of terrorist attacks; the provision of ventilation systems should include considerations of fire suppression, anthrax, and possible chemical attacks; the selection of computerized communications and control systems should be informed by their potential vulnerabilities; and the architecture of stops, stations, and vehicles should incorporate design principles that minimize their vulnerabilities, maximize their ability to continue functioning under difficult circumstances, and facilitate responses by emergency personnel.

***Stage Two-Planning for Incident Response:*** The vulnerability of transit systems to terrorist attacks should be reviewed periodically throughout the operational life of a transit system so security officials can refine planning in response to evolving threats. For example, interagency cooperation should be encouraged and staff training should be updated. Sufficient information also must be provided to passengers so, in the event of an incident, they will know how to respond. In addition to the actions of transit operators and their funding agencies, law enforcement and intelligence efforts by agencies charged with counterterrorism should be ongoing.

***Stage Three-Immediate Response to Incidents:***

If and when an incident occurs, the immediate response-including clearance, search, rescue, recovery, and the restoration of service-constitutes a critical stage. While the actions in this stage may last only a few weeks, they provide invaluable information for security planners as terrorist incidents are such infrequent events. With respect to this research, deconstructing the role of system design and operations in exacerbating or minimizing the effects of the attack can be used to help plan and operate safer public transit systems in the future and provide for continuity of operations in emergency situations.

***Stage Four-Long-Term Recovery:*** The final stage in responding to a terrorist incident may

last for years, and constitutes the redesign, reconstruction, and operation of the system under new rules and procedures that are influenced by the incident and what has been learned during the planning and rebuilding process. This stage also involves restoring public trust in the security of the transit system.

**Collection of Data**

Most inspections, detections and seizures result from an initial “document review” process. When conducting interviews, it is best practice to ensure that an analysis of identification and travel documentation includes the following: passport, visa, airline/cruise ticket, and declaration or suspicious disclosure documentation[7].

When targeting cash from cargo examinations, it is best practice to ensure that some or all of the following shipping documents are made available for review: manifest, airway bill, shipper’s export declaration and invoice/packing list.

Countries should consider establishing procedures to conduct thorough inspections of passengers, vehicles, cargo, etc. when it is suspected that currency and bearer negotiable instruments may be falsely declared or undisclosed or that it may be related to terrorist financing or money laundering. If possible, inspections should be conducted by a minimum of two individuals. As stated earlier, the use of X-ray equipment, scanners and canine units that are specially trained to sniff out currency should also be used to the maximum extent possible. When suspicious currency and bearer negotiable instruments are discovered, the baggage/cargo should be kept intact with the currency and negotiable instruments so that photographs can be taken to preserve evidence. Authorities should have in place appropriate systems for the handling, storage, security and accounting for seizures of cash and bearer negotiable instruments.

When inspecting for currency which may be falsely declared or undisclosed, or which may be related to terrorist financing or money laundering, it is best practice to give particular attention to the potential use of counterfeit currencies[2]. The unique forensic characteristics of counterfeit currency can be quite valuable to investigators attempting to disrupt terrorist or other criminal networks. In some cases, counterfeiters employ either their own smugglers or other already established smuggling networks to accomplish this cross-border activity. Some countries have established mechanisms to detect counterfeit currency.

Likewise, it is best practice to examine currency closely to determine if “chop marks” or other external markings that could tie the currency to particular individuals or currency traders is present. Such information also should be shared among domestic law enforcement and with the international community, as appropriate.

Customs authorities and other enforcement agencies are encouraged to work with prosecutorial or judicial authorities to establish guidelines for the stopping or restraining of currency and bearer negotiable instruments, and the arrest and prosecution of individuals in cases involving falsely declared or disclosed currency and bearer negotiable instruments, or where there are suspicions that the currency or bearer negotiable instruments are related to terrorist financing or money laundering.[1] These guidelines should also address individuals who fail to truthfully answer questions posed by customs officers or fail to co-operate with the authorities in the inspection process.

### **3 Inspections and Restraint of Currency**

When a false declaration or false disclosure occurs, or when there are reasonable grounds for suspicion of money laundering or terrorist financing, countries are encouraged to consider imposing a reverse burden of proof on the person carrying currency or bearer negotiable instruments across borders on the question of the legitimacy of such currency and bearer negotiable instruments. Therefore if, under these circumstances, a person is unable to demonstrate the legitimate origin and destination of the currency or bearer negotiable instruments, those funds may be stopped or restrained.

### **4 International and domestic co-operation**

Countries are encouraged to have co-operation arrangements with other countries which would allow for bilateral customs information exchanges between customs and other relevant agencies on cross-border reports, the stopping or restraining of cash and bearer negotiable instrument, and red flag indicators. This co-operation could also extend to operations involving controlled deliveries and other investigative techniques when unaccompanied cash and bearer negotiable instruments are detected at the border. Countries are also encouraged to enhance customs and border

capabilities, information sharing and passenger targeting. Increased information between domestic customs authorities and police forces, and international police forces (such as Interpol and Europol) is also encouraged. In cases where countries have a disclosure obligation, systems should be in place to record information collected from suspicious or false oral statements for international cooperation purposes.

Countries are also encouraged to enhance domestic law enforcement co-operation between customs, immigration and the police to respond to detections of currency and bearer negotiable instruments, and to develop intelligence. Control Bodies also have a useful role to play in the dissemination of this type of information domestically. For instance, jurisdictions are encouraged to ensure that false declarations/disclosures are reported or otherwise made available by the designated competent authorities to the financial intelligence unit.[7]

### **5 The recommended measures for the tourism safety**

These measures were approved by the General Assembly of World Tourism Organization in the second session from Buenos Aires, Argentina, 30 September - 4<sup>th</sup> October 1991.

#### **5.1 Application domains**

1) the measures recommended to the tourism aim to guarantee the security, especially for the tourists and internationals excursionists, of these measures benefit also the national tourists;  
2) before presenting the recommended measures, by international tourists, simply named tourists, we understand all the persons:

- who travels in another country other than the residence;
  - that the main objective is a visit, touristic stay for a period less than a year;
  - who doesn't exercise paid work in the visited country;
- 3) the term of tourist doesn't apply to the persons that enter in a country like visitor and try to extend their visa, action aimed to obtain residency in the respective country or exercise paid work;
- 4) the recommended measures should not interpret in a way to favor the persons that abuse from their status of tourist, especially in committing the criminal acts, like attacks to the psychic security of the persons, participation to

the organized crime, terrorist attacks, drug trafficking or theft of cultural property;

5) none of the measures recommended should not interpret like a limitation of the interests and rights to security of the internal tourists or the tourism service providers;

6) none of the measures recommended should not interpret in a way that limits or distorts national laws and international treaty, regarding rights, privileges and foreigners duty, the preventing of criminality and delinquent behavior.

## 5.2 Preventive measures

1) Each country should assess and controls the gravity of the menace dangers, on their territory, the life, health, goods and economical interests of the tourists and establishes a national security politic of tourism;

2) Each country should take measures for:

- Identifying the potential risks, according to type of trip, destination and touristic objectives;

3) adoption of rules and security practices to the touristic objectives, especially:

- protection against fire;
- food security;
- health and sanitary conditions
- environment protection;

4) the guarantee that the objectives and touristic places are protected by the law enforces, aimed that all the jurisdictions acts aimed at tourists, may be detected and prevented;

5) providing a documented acts regarding the tourists security, especially in the following problems:

- basic regulations relative to tourist security;
- security practice in tourist locations designed for transportation (airports, railway stations, another terminals for transport);
- prevent potential threats to the tourist objectives and locations;
- prevent potential risks regarding health and information about the modality to protect;
- assistance services made available to tourists when they need;

6) protect tourists against illegal trafficking of drugs and surveillance that means

transportation used by tourists is not used for illegal transport or drug smuggling;

7) the stuff units serving tourists must be formed according to issues of tourism security;

8) establish the rules that determines the civic responsibility of tourists against the tourist objectives, and the information regarding of that may be obtained easily by the tourists and their representatives;

9) establishment of national policies and services regarding the tourists' health.

## 6 Support facilities for tourists

1) Prosecution of persons guilty of acts jurisdictions against persons or tourists.

The countries must facilitate tourists the possibility to associate in the prosecution, especially in the case of severe offence. The tourist must have the same rights like the native citizens of the country in which were happened the offence.

2) The consumer protection and the solve, by amiable way, misunderstandings between tourists and tourism service providers.

a) The countries must publish the rules for consumer protection in the tourism domain, who take care of different type of consumers, like:

- The tourists who travel individual, respectively those who are in contractual relation with the tourism service providers;
- The tourists who bought, through negotiation, a set of rendering negotiated, prepared by an tourism organizer;

b) For the tourists who travel by individual title, the countries must engage to establish clearly defined procedures, who permits quick solve of misunderstandings involved in consumer disputes, to designate the bodies to which tourists can get access to file complaints in their capacity as consumers;

c) The countries must engage to determine clearly the responsibilities incumbent upon binding organizers, retailer or directly providers fail to contract services.

3) Emergency medical tourists.

The countries must engage in the description or indication of public or private health services for tourists and put at your disposal all the necessary information in this area;

4) The tourists access to diplomatic and consular representatives of their country and to the services in connection with foreign.

The countries must take measures for:

- a) facilitate such access when a tourist is seeking his country's help and advice in an emergency;
- b) information of their diplomatic and consular representatives, or directly the family, in the moment when the tourist is victim of natural catastrophe, severe accident or serious aggression, or when the tourist suffer of health problem, and consequently, is incapable to contact themselves the family and diplomatic representatives;

5) Tourists return

The countries must take measures for:

- a) Returning the tourists in their origin country when they are victims of natural catastrophe, severe accident or serious aggression, or when the tourist suffer of health problem, and from this cause the tourist is incapable to continue his journey, and more, is incapable to return to his origin country;
- b) Facilitate repatriation of bodies of tourists died during a voyage.

## 7 Conclusions

The experiences of rail agencies throughout the world can aid railway station designers in developing systems that are more difficult for terrorists to attack and, in the event of an attack, more inclined to rapid and efficient evacuation, emergency response, and recovery. Many of the attacks have common characteristics, resulting from persons who carried small devices onto trains or into stations. Mostly, the perpetrators relied on some sort of delayed effect or timer so that the terrorists could escape. Improved CCTV coverage can be an effective deterrent of transit terrorism when the perpetrator does not desire to be captured. However, it is ineffective in the cases of the recent suicide attacks. Passenger and staff vigilance inside trains and in the station is an essential aspect of any antiterrorism strategy. Passengers, railway employees, and security personnel need to have clear lines of sight to all parts of the station and trains. Many terrorists utilized seating to hide bombs. Additionally, trash cans have been used as hiding places and should be removed, sealed, or reinforced. Secondary fragmentation - shrapnel resulting from building materials, such as shattered glass -

can become a "fragmentation bomb" and cause injuries and havoc. Facilities should be designed to reduce secondary fragmentation as much as possible. This applies to ground-level glass, vending machines, chairs and railings, and decorations. Facilities should also be fire resistant and not emit toxic fumes if exposed to extreme heat. Rapid extinguishing of the fires in these attacks resulted in limited injuries due to burns and smoke inhalation. Fire extinguishing devices should be readily available in stations and on trains. In the case of chemical or biological weapons, early detection is essential. Unfortunately, many commercially available chemical detectors are costly and error prone. Incident identification might be best achieved through remote CCTV monitoring. It has been found that utilizing fans designed for smoke might only aggravate the situation and spread the agent faster than it would spread otherwise, but not fast enough to lower it to nonlethal levels. Additionally, there could be more exposure above ground than in the station. Hoods designed for chemical removal and deactivation would be more appropriate, but costly. Platform edge doors separate the airflow in the tunnels from the stations, reducing the piston effect of the trains. These are very expensive, but provide additional benefits besides terrorism mitigation. They provide a physical barrier between the platform and the railway, improving safety and comfort for passengers waiting on the platform. Rapid and informed responses can also greatly reduce damage caused by this type of attack. Identifying vulnerabilities in rail car and station design and eliminating them can aid in securing transit systems from terrorist activity. Providing rapid response and recovery minimizes the damage. Removing places where bombs can be hidden, improving surveillance and lighting, removing sources of ground-level secondary fragmentation, controlling air currents in cars and stations, and providing on-site emergency response equipment and training are all design strategies that should be considered when encountering a terror threat. Designing stations, rolling stock, and systems that can withstand attacks and quickly recover reduces the attractiveness of targeting transit because the attack does not result in the desired disruption or alarm. Designing for terrorism has, and will, effectively reduce its threat.

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