African Centre for Justice and Peace studies

Study on the war economy in Darfur

The cross-border automobile trade

January 2014 – March 2017
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**Introduction**

Starting in 1989, the Sudanese economy began to lose its memberships in the major economic organizations. That came on the heels of efforts to implement what was called an Islamic economic system, although it was nothing but slogans for which the political Islam project could find no precedents for practical application. In addition, the economy suffered the impact of neglect of agricultural, pastoral and forest resources.

Later, by the year 1997, the Sudan had come to depend on oil as a basic resource. Oil revenues were shrouded in secrecy under the control of an influential group within the ruling party. However, revenues were allocated to finance armed struggles against the Sudan People’s Liberation Movement, and later against armed opposition movements in the Darfur region.

The Sudan started making efforts to meet the conditions of the International Monetary Fund (IMF) in 2001. However, it quickly became evident that there were obstacles to the transition to a free market system. The situation remained as it was, without any serious efforts to overcome it, throughout the transitional period of the Comprehensive Peace Agreement (2005-2011). After the separation of South Sudan in 2011 and the loss of oil revenues, forced attempts were made to eliminate subsidies for commodities in 2012, 2013 and 2016 in order to comply with IMF conditions. None of those austerity measures was accompanied by rehabilitation of depleted agricultural resources and forests.

It was against this backdrop that economic distress took hold, and people began to seek out alternative resources outside the control of the Government. Mining for gold was one of the alternatives. It was pursued in many parts of the Sudan, but the most important of the fields was the Jabal Amir mine in the Darfur region. It remained open to all until 2013 when it became a proprietary field after the discovery of a quantity of gold with revenue estimated as follows: “The gold trade puts more than 123 million dollars annually into the pockets of armed militias in Darfur. That is on top of 54 million dollars taken in by the Musa Hilal militia. From 2010 to 2014, some 4.5 billion dollars’ worth of gold was smuggled from the Sudan to the United Arab Emirates.”

Informal miners outside the actual field found their way to the desert border area shared by Niger, Chad and Libya, the Tibesti mountain region. A series of substantial deals were struck among miners, the Chadian opposition and the Boko Haram terrorist group to trade the gold for vehicles. The Chadian Government soon took notice and began to combat the phenomenon.

The political and security chaos in the Libyan Arab Jamahiriya encouraged armed groups to exchange Libyan oil for vehicles from several States. The Sudan became a popular market for such vehicles, especially

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2. Austerity policies to eliminate subsidies for commodities and the fuel was announced in 2016. The Government stopped short of allowing the price of the dollar to float completely freely.
3. Former Minister of the Interior Ismat Abdulrahman says that there are 3,000 foreigners in the Jabal Amir mine in the Norther Darfur region.
following Sudanese decisions conducive to the phenomenon, which came at the same time as the Sudan was negotiating for the lifting of American economic sanctions imposed on the Sudan since 1997. The phenomenon became widespread, and although there are some who regard it merely as a case of the Sudan having recourse to a cheap resource, this paper will show that there are aspects of it that resemble money-laundering. This is especially important in the light of the IMF conditions that the Sudan has been trying to meet since 2001, which require explanation of certain assets tied to companies that are attached to institutions connected with the State but which are fundamentally linked with the governing party.

The gravity of the matter lies in its implications for the prolongation of armed struggle in the region and the creation of armed groups with financial resources and weapons that could change the course of events on the ground in both the Sudan and the Libyan Jamahiriya. The paper will not address the relationship of this activity to illegal immigration and routes for the smuggling of drugs and weapons into Europe through States bordering the Sahara. However, it appears that such a relationship is not far-fetched, especially now that French and Chadian forces have clamped down on extremist groups in Mali. Another possibility that looms on the horizon is that those groups will no longer appear in their traditional armed form, but in a financial dimension that targets resources in illegal ways.
Methodology of the study

The study’s methodology relies on analysis of the war economy in Darfur, and in particular the cross-border trade in vehicles widely known as “Boko Haram cars” in the light of relevant national legislation and laws.

The methodology of the report included engaging with primary sources, including rights activists and Sudanese civilians, in addition to documents issued by official agencies, major publications, and Government decisions issued by specialized agencies. The report also relied on secondary sources, such as the Sudanese press, both printed and online.

The Legal framework

National legislation

The 1994 Sudanese Customs Code. Article 118 of the Customs Code reads as follows:

1. Imported goods are to be transported by land without delay to the customs station nearest to the place where they are brought in, via the road designated for land transport from the border. If there is no designated road, then a regular road is to be used with no detours.

2. The individual responsible for any means of transporting goods that have been imported without going through a customs station at the border must carry on his person a shipping declaration (manifest) that shows the type and quantity of goods, must produce it, and must have a signed copy of it for the customs official at the nearest customs station so that the customs authority can keep it.

That shows how goods should be imported by land. Imports must be transported by land directly to the nearest customs station.

Article 189 provides as follows: “If the amount of the fees for performance of any inspections or any other services provided by the customs authorities is not expressly provided for by regulations in force, the senior customs officer may set a reasonable fee for such”. Article 190 provides as follows: “The customs authorities may confiscate any transportation means that meets the following description: if it is used to commit an act in violation of the provisions of this law or meets any of the following descriptions . . . .” Reading further we find that subparagraph (g) reads as follows: ”Any means of transportation located within the jurisdiction of the customs authorities in violation of customs procedures provided for by the regulations”.

The impact of control of new resources

In January 2014, Sudanese wildcat gold prospectors in the border region shared by Niger, Chad and Libya consisted of a mix of members of agricultural and pastoral groups in the Darfur region, in addition to demographic groups that straddle the Sudan and Chad. They used rudimentary mining equipment and hand tools for digging. In considering the factors motivating them to search for gold in those border areas, we find that they

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5Sudanese Customs Code, articles 118, 189 and 190.
are connected with the Jabal Amir mine in the North Darfur region being turned into a closed area where not all people were permitted to engage in prospecting on an equal basis. Turning to the current status of Jabal Amir, according to the declaration of former Minister of the Interior Ismat Abdulrahman, there are some 3,000 foreigners in the mine. It should be noted that the foreign presence was connected in the beginning with the popular influx to the mine. During the armed struggle witnessed by Jabal Amir in 2013, it was revealed that there were 70,000 prospectors\textsuperscript{6}, including foreigners from the States of West and North Africa, and from certain States in the Horn of Africa. They represented some 40 per cent\textsuperscript{7} of miners at that time. However, changes in control of the mine turned it into a restricted mine.

Economic interests linked with prospecting opportunities in Jabal Amir brought about a major transformation in the relationship between the militia leaders and the Sudanese Government. At a time when the latter was trying to pursue a divide-and-rule policy with respect to both Musa Hilal, commander of the border intelligence militias, and Muhammad Hamdan Dalgo ("Hemeidti"), commander of the Rapid Support militias, it appears that those two men had taken due notice of the situation, and were dealing with the explosion of media coverage virtually identically. However, the successive statements made by those two men in the wake of the announcement by former Minister of the Interior Lieutenant Colonel Ismat Abdulrahman denying that there were foreigners in the Jabal Amir mine were only the tip of the iceberg when it came to the undeclared economic alliance between the two men, who were united by economic interests connected with gold resources that found a ready market in the city of Dubai in the United Arab Emirates after being smuggled across the border into Chad.

\textsuperscript{6}Harvest of the Rifle: the Janjaweed Militias in Darfur (Cairo: Dar al-Awraq, January 2016), page . . .

\textsuperscript{7}Op. cit.
The desert region\(^8\) offered an alternative to the Jabal Amir mine. There were fewer restrictions on miners. In an unanticipated development, the informal miners found themselves receiving offers by persons from Niger, Benin and Nigeria to exchange unwrought gold for four-wheel drive Toyota GXR vehicles. Soon enough, other traders began to flock to the region from Kufrah, Ajdabiya and Tazirbu in the Libyan south. They were members of the Libyan Toubou ethnic group which has ethnic ties with the Gouran ethnic group living in Chad.

The motivating factors behind the barter deals can be summarized as follows: they are for the purpose of obtaining means of transportation for moving about over a wide area in the desert region. The initial prices for these barter transactions were as follows: a kilo of unwrought gold for a 2013 model Toyota double cab; 1.25 kilos of unwrought gold for a 2013 model Land Cruiser; and 1.5 kilos of unwrought gold for a 2015 model Land Cruiser.\(^9\)

**Barter and new resources**

The barter system is one of the hallmarks of a primitive economy. It became widespread for another reason, which is that it was the best way to preserve the value of gold in a desert region with open borders between several States with high security threat levels. Such barter transactions first came to prominence in what might be called an informal unwrought gold exchange. A kilo of gold was – for the purposes of barter – valued at 35,000 Sudanese pounds, by comparison, in the unofficial wrought gold markets in Fashir and North Darfur, which were centres for agents of companies dealing in gold in Khartoum. The price per kilo in Khartoum was 40,000 Sudanese pounds.

It should be noted that the transactions concluded between the miners and these other parties were very close in nature to money-laundering, which passes through several stages in an attempt to conceal its true origin. There is no evidence to support this. However, the murkiness of the origins of those vehicles raises suspicion of

\(^8\)Tibesti mountains Google.

\(^9\)Interviews with miners who preferred their names to be withheld. March 2017.
a connection with money-laundering, given that the final stage of such operations consists of procedures to legitimize the money.

The Chadian opposition and the bartering of vehicles for gold

The phenomenon of bartering began to really take off when the Chadian opposition, which made its headquarters in the Mt. Tibesti region, began to offer to barter large quantities of four-wheel-drive Land Cruiser vehicles in exchange for gold. At the time, prices were paid in Libyan dinars. One major source is likely to have been the Boko Haram group, which was trying to expand its influence in that region. That led to such vehicles becoming widely known as “Boko Haram cars” after they crossed the Sudanese border fleeing from the Chadian military campaign\(^\text{10}\) that targeted miners from those areas who owned Land Cruiser vehicles following the initial round of bartering. The widespread presence of informal prospectors encouraged merchants from the Sudan and Chad to trade in foodstuffs, which were imported from the Sudan. They then crossed into Chad and went to the gold-mining areas. Husayn\(^\text{11}\), one of these Sudanese traders, says that such trade was profitable, but it began to be affected by the economic policies of the Sudanese Government. The price of the Sudanese pound began to fall relative to the dollar, which let him to stop trading in such commodities as of November 2016.

The commercial trade in vehicles

The increase in the number of vehicles coming into the Sudan from the Libyan Jamahiriya through the North Darfur region raised the question of the source of those vehicles. The answer was learned through interviews with some of the Libyan and Sudanese suppliers. The increase came about because of the seizure by

\(^{10}\text{In 2016, alongside people doing business with the Chadian opposition, there appeared new actors from Niger and Benin who might be classified as merchants. They introduced newer model cars into the barter market. Subsequent to that development and the expansion of the trading, the Chadian government inaugurated its second military campaign, which used land and air forces, including helicopters, under the direct supervision of the Chadian President Idriss Déby. It targeted certain miners who owned four-wheel-drive vehicles. It managed to seize close to 700 Land Cruiser vehicles, whose owners were taken to the Kalait area in eastern Chad, where they were detained for close to three months before being released. Sudanese nationals were sent to the Tina border region in Chad, which is separated from Tina in the Sudan by a stream that forms the border between the two countries. It should be noted here that campaign did not target miners who owned Toyota Hilux vehicles. There was a third group that was able to flee in their vehicles into the Sudanese-Libyan border area.}

\(^{11}\text{A Sudanese of joint Sudanese-Chadian origin who went to Chad to engage in such trade. He continues to receive foodstuffs from the Sudan for sale in informal mining areas.}

The military campaigns launched by the Chadian Government managed to dry up the barter markets in the desert region. By January 2016, there had been a geographic and qualitative change in the automobile market on the Sudanese side of the border with the Libyan Jamahiriya. It was brought about by traders with Libyan citizenship. The Malihah border region in the Sudan and the Tina customs crossing in North Darfur State both began to receive vehicles of various models and makes. Most of them were manufactured between 2010 and 2015. During this stage, Sudanese currency took place of gold, which brought about an expansion of commercial activity that led Libyan traders to work with Sudanese agents who represented them in sales transactions. Subsequently, some of them eventually came to engage in importing themselves.
the Khalifah Haftar group and other armed groups of control over the Libyan oilfields. For example, in the case of Korean vehicles, the boats carrying them returned loaded with Libyan oil. The vehicles were sent directly from the ports to the Libyan city of Kufrah, and from there into the Sudan via the Malihah and Tina border crossings in North Darfur. The distance from Kufrah to Malihah is approximately 1000 km. The journey lasts between three and five days depending on the condition of the trucks transporting the automobiles. The distance between Malihah and the city of Mellit – which is the official customs station according to the map of Sudanese customs entry points – is approximately 40 km. From there, it is approximately 70 km to the city of Fashir, the capital of North Darfur.

Legitimizing ownership, and the role of the Sudanese government

Background: In July 2015, in the city of Nyala in South Darfur, the Government legalized the status of approximately 3,000 vehicles. They included vehicles that came from across the border or were being driven by members of the Rapid Support or border intelligence militias, such as those impounded by the militias that helped to install President [Djotodia] in 2013 in the Central African Republic. Vehicles without plates in the cities were legalized upon presentation of import certificates issued by a customs commission dispatched for that purpose on the basis of a duly sworn statement from a court to the effect that the person submitting the request was the sole owner of the vehicle. Fees were paid on the spot, and varied according to the estimated value of the vehicle. Members of militias were granted preferential discounts and only had to pay 10 per cent of the value of the vehicle, whereas others had to pay 25 per cent.

On 14 February 2014, the South Darfur police reported that 1,117 vehicles that had been smuggled from the Central African Republic, Chad and other places had been seized in fighting that had broken out between the Government and the armed movements in Darfur. The State’s Director of Police, General Ahmad Uthman Muhammad said that the vehicles had been threatening security by cruising around the city unlicensed.

The procedures followed for providing legal plates to those vehicles constituted a departure from the public policy of the Government of the Sudan. That policy sets forth specific guidelines having to do with importing used vehicles. Cabinet Decision No. 274 (2010) banning the import of used automobiles includes the following exception: "exceptions for importing used vehicles shall be confined to the following four categories: diplomats, emissaries, seconded officials and emigrants returning to the country permanently". The procedures adopted in 2015 followed the declaration of a state of emergency on 15 July 2015 in the city of Nyala in South Darfur on the grounds of controlling the security situation.

12On 13 July 2013, militia commander Muhammad Abdullah Sharrarah "Dakrom" was killed in the city of Nyala in South Darfur State, following an armed clash between his force and a force belonging to the National Intelligence and Security Service. A reliable source believes that the reason for his death was probably that he refused to turn over his armoured vehicle to the Intelligence and Security Service in Nyala. He had taken that vehicle from the presidential palace in the Central African Republic in the course of helping to install the current President [Djotodia], after the militias had taken him from the city of Nyala, where he had been working as Consul of the Central African Republic. The campaign had been led by Musa Samih.
Legitimizing the legal status

In November 2016, a decision from Sudanese President Omer Hassan A. Al-Bashir decreed that customs commissions should be formed in the cities of Fashir and Tina and in North Darfur State, the city of Nyala in South Darfur State, and the city of Zalingi in Central Darfur State in western Sudan. When those commissions began to operate, the total number of Boko Haram cars that had been brought across the Sudanese border was 10,000, according to the official count of the commissions.

Customs duties of 160,000 Sudanese pounds were imposed on the 2014 model Toyota Hilux. Customs duties on Land Cruiser vehicles were 280,000 Sudanese pounds. Customs duties on the Korean-made Atos vehicle were 22,000 Sudanese pounds. The States involved imposed taxes and other administrative fees in various localities ranging from 9,000 to 13,000 pounds according to model and the value of customs duties for the vehicle. It is estimated that a total of 20,000 vehicles had been imported across the Sudanese border as of March 2017.

Temporary license plates

First, a ban was imposed on the movement of Boko Haram cars outside the North Darfur region. Then local license plates were issued. They were made of metal and had handwritten numbers on them. The cost of renting a plate was 1,000 Sudanese pounds per month. They could be obtained from the traffic police without submitting official electronic voucher form No. 15. Some 10,000 temporary plates were manufactured in one of the technical offices of the North Darfur traffic police. In violation of the Sudanese Customs Code, a ban was placed on automobile owners – after they had completed customs clearance procedures, paid the various fees and obtained an import certificate – prohibiting them from leaving the jurisdiction of the North Darfur region traffic police. To overcome that obstacle, owners began to submit requests to the North Darfur traffic police to remove and surrender their own plates, allowing them to get what they needed to obtain plates for other regions of the Sudan. The cost of removing the plates was estimated at 9,000 Sudanese pounds.

13Photograph showing temporary plates for vehicles imported from Libya.
Customs procedures

The city of Malihah is one of the administrative localities in North Darfur State. As we have indicated, it became one of the points where vehicles crossed into Sudanese territory. It had never previously had a customs station under the Sudanese Customs Code. It was transformed into a major commercial hub. Its name was suddenly on the map in the minds of many Sudanese. When looking for the reasons for that, we find that it merited that distinction owing to the efforts by the tribal administration, which used its militias – under the umbrella of the Central Reserve Police – to intervene to secure the delivery of vehicles via the desert road across the Sudanese border. That strengthened the role of the head of the Meidob Native Administration, who has the title of “king”, in organizing and facilitating the flow of vehicles, in addition to supervising the security situation. That was how the Malihah locality, in addition to the local administration, managed to impose fees of 2,000 Sudanese pounds per vehicle just for crossing the Sudanese border into the jurisdiction of the Malihah municipality. All those fees were collected without the officially used receipt and without electronic form 15, which entered into official use on 15 February 2018.

In the wake of the transformation of Malihah into a land entry point for Boko Haram cars, many of its residents became active in the vehicle market. In a short time, some of them became suppliers, while others gained the trust of Libyan suppliers and became agents for them on the Sudanese side of the border. Others joined in by acquiring the cranes used to lift the imported automobiles from the trucks transporting them.

The relationship between Libyan suppliers and Sudanese agents to the transfer of assets is shrouded in secrecy. However, according to some reports, financial transfers occurred along an axis running from North Darfur to the Sudanese capital Khartoum, and from there to the suppliers.

Austerity measures continued to be taken by the Sudanese Government. They included both the publicly announced measures taken during the 2013-2016 period, and undeclared austerity measure in the form of a steady increase in the price of transportation tickets in certain cities in the Sudan because of the removal of fuel subsidies. The price of the barrel of petrol coming from the Sudanese capital to the city of Fashir – a distance of 1,200 km – reached 1,300 Sudanese pounds. As the market for Boko Haram cars flourished, importers soon turned their attention to the trade in fuel. That was something that most people have not devoted much attention to until the present time because of the Libyan Jamahiriya market price of 600 Sudanese pounds in the Malihah municipality.16

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14Interview with a vehicle trader in Fashir in North Darfur State on 10 February 2017.
16The price as of March 2017.
Collection of customs duties in Sudanese pounds instead of united states dollars

Before the advent of the Boko Haram cars, automobiles were imported via Port Sudan in Red Nile State in Eastern Sudan by companies and individual importers who enjoyed legal status in accordance with laws and regulations. They obtained licenses and tax registrations, and complied with other various duties and fees depending on the model year. Such dealers were able to obtain customs dollars from the Central Bank of Sudan for a price of 6.8 Sudanese pounds to the dollar. At the time, the price of the dollar on the parallel market was between 16 and 19 Sudanese pounds.

The Boko Haram cars constituted a departure, because they did not require customs dollars. They were priced in Sudanese pounds, and the customs duties, taxes and other fees imposed on them by the authorities were outside the usual legal frameworks. They might be referred to as constituting a low-cost financial resource.

In looking at the current situation in the automobile markets, the Sudanese capital Khartoum, we find vehicle prices that are in some cases 30-35 per cent lower than when they were being imported through Port Sudan. These developments have prompted certain major companies and merchants from cities across the Sudan to send agents to Fashir to purchase cars in order to sell them in other places such as Khartoum and western Gezira, where expatriates are refraining from importing vehicles via Port Sudan as they did previously.

The widespread presence of automobile dealers in different cities of the Sudan is reflected in the recovery of the local economies in cities in Darfur, including Fashir in the South. That recovery is linked to day-to-day services, including food, drink, transportation and residence rentals. In addition, some of the locals have started charging daily rent for the use of their property to park automobiles that are either for sale or are awaiting the

\[\text{Draft – North Darfur, Field Map, Humanitarian Information Center for Darfur.}\]
completion of customs and licensing procedures. The streets of Fashir have become so crowded with automobiles that it has become difficult to find a place to park them.

**The use of local orders to collect revenue**

Earlier, we showed temporary licence plates issued by a private commercial company for the North Darfur traffic police. The revenue court continues to be competent venue for considering violations involving failure to obtain temporary plates. A conviction before that court carries a penalty of a fine, which has tended to be a fixed fine of 3,000 Sudanese pounds or, alternatively, a sentence of one month in prison in the event of nonpayment. As we noted, the price of those plates is not reflected in an official receipt or in the official electronic form in use by the Government.

**The north Darfur state local government**

The financial and accounting regulations to which business transactions within the State are subject sets the guidelines for transactions to which the Government is a party. In the case of purchase or disposal via sale, the transaction must be concluded through a public announcement in accordance with procedures conducted by the competent authorities appropriate for the particular situation, whether a disposal or a purchase. The Ministry of Finance has the ultimate authority to oversee such procedures, which are to be conducted transparently in accordance with the guidelines of the law. However, in North Darfur State, it is clear that certain Government facilities are disposing off their vehicles and exchanging them for others on the local Boko Haram car market. In addition, some of the chiefs of local administrations enjoy customs exemptions for vehicles they have obtained on the local market or as gifts from the local government.

**Speculators with financial resources of unknown origin**

It appears on the surface that market speculation has come to be dominated by certain commanders of middle rank belonging to the Rapid Support Force and Border Guard Intelligence militias, certain leaders of the Justice and Equality Movement who signed the peace agreement with the Sudanese Government and certain leaders of the Sudan Liberation Movement – Minni Minawi who elected to remain in the Sudan under the aegis of the 2006 Abuja Agreement. They control the market for Boko Haram cars by using their military influence to protect the cars as they move around, completing procedures for them, and evading payment of traffic violations.

However, the main dealers in the Boko Haram market are Sudanese buyers with identity papers showing they are "public officials" or "entrepreneurs". They come from certain States of the Sudan, such as Khartoum and Sennar, according to their identity papers. There are approximately 25 of them. They purchase between 20 and 25 trucks at 70,000 pounds, Toyota vehicles at 350,000 pounds and trailers for the trucks at 400,000 pounds. They store them in the western command headquarters of the Sixth Division of the armed forces. They do not stay in hotels in the city, but rather in the rest houses of officers of the armed forces in Fashir. When they move around, they are accompanied by officers from the armed forces under the guise of security. They travel repeatedly and regularly to Fashir, where they purchase vehicles and transport them to Khartoum without any problems. They
have averaged about seven visits each to Fashir as of August 2017. They continue to conduct their purchases, despite the Government decree suspending them.

**Recommendations:**

1. The Sudanese authorities should discourage speculation in the war economy by neighboring States.

2. The Sudanese authorities should comply with the Sudanese Customs Code, which specifies the ways in which items can be imported and sets rules for transactions in accordance with the law.

3. The Sudanese Ministry of Justice should open an urgent and transparent investigation of accounting procedures connected with the practices in question and the assets being collected by the Government of North Darfur State and the traffic police of North Darfur State. It should submit evidence proving their involvement to the court of justice.

4. The Sudanese Government should transparently declare the methods for making financial transfers from the Sudan to Libya and identify the beneficiaries, given that those resources are linked to a State undergoing armed conflict.

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18 Field research conducted by the Africa Centre for this report.