

Trial Hearing
WITNESS: MLI-OTP-P-0646

(Open Session)

ICC-01/12-01/18

1 International Criminal Court
2 Trial Chamber X
3 Situation: Republic of Mali
4 In the case of The Prosecutor vs Al Hassan Ag Abdoul Aziz Ag Mohamed Ag
5 Mahmoud - ICC-01/12-01/18
6 Presiding Judge Antoine Kesia Mbe Mindua, Judge Tomoko Akane and
7 Judge Kimberly Prost
8 Trial Hearing - Courtroom 3
9 Tuesday, 20 April 2021
10 (The hearing starts in open session at 9.31 a.m.)
11 THE COURT USHER: [9:31:30] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [9:32:05](Interpretation) Court is in session.
15 Good morning to you all.
16 Court officer, please would you be so kind as to call the case.
17 THE COURT OFFICER: [9:32:19] Thank you, Mr President.
18 The situation in Mali, in the case of The Prosecutor versus Al Hassan Ag Abdoul Aziz
19 Ag Mohamed Ag Mahmoud, case reference ICC-01/12-01/18.
20 And for the record, we are in open session.
21 PRESIDING JUDGE MINDUA: [9:32:37](Interpretation) Thank you very much,
22 madam court officer.
23 We're now going to proceed with the appearances, starting with the Office of the
24 Prosecutor. Prosecutor.
25 MS CORBIN: [9:32:46](Interpretation) Good morning, your Honour, your Honours.

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1 The Prosecution this morning is represented by Dianne Luping, by myself
2 Nelly Corbin. My colleague Lucio Garcia could not be present this morning and
3 presents his apologies.

4 PRESIDING JUDGE MINDUA: [9:33:05](Interpretation) Thank you very much,
5 Madam Prosecutor.

6 I now turn to the Defence. Counsel.

7 MS TAYLOR: [9:33:11] Good morning, Mr President. Good morning, your
8 Honours. Good morning to everyone inside the courtroom and outside the
9 courtroom. The Defence for Mr Al Hassan is represented today by
10 Maître Antoine Vey, by Maître Damia Taharraoui, by Maître Sarah Marinier-Doucet,
11 and myself, Melinda Taylor. Thank you.

12 PRESIDING JUDGE MINDUA: [9:33:35](Interpretation) Thank you very much,
13 Ms Taylor.

14 I now turn to the Legal Representatives of Victims.

15 MR KASSONGO: [9:33:44](Interpretation) Thank you, your Honour, your Honours.
16 Good morning to you all. As you will see that our team of Legal Representatives
17 today is smaller. I am assisted by Madam Prisque, and myself, Maître Kassongo.

18 PRESIDING JUDGE MINDUA: [9:34:04](Interpretation) Thank you very much,
19 Maître Kassongo.

20 This morning we will continue with hearing the 29th witness, P-0646, the 29th
21 Prosecution witness.

22 Good morning, Witness. Can you hear me?

23 WITNESS: MLI-OTP-P-0646 (On former oath)

24 (The witness speaks French)

25 (The witness gives evidence via video link)

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1 THE WITNESS: [9:34:27](Interpretation) Good morning, your Honour. I can hear
2 you very clearly.

3 PRESIDING JUDGE MINDUA: [9:34:33](Interpretation) Thank you very much,
4 Witness. Once again, on behalf of the Chamber I would like to welcome you and
5 I would also like to remind you that you are still under oath and that you must tell
6 the truth, the whole truth and nothing but the truth.

7 As you know, we are continuing with the examination-in-chief by the Office of the
8 Prosecutor.

9 I now turn towards the Prosecutor. Madam Prosecutor, before giving you the floor
10 for your cross-examination, could you indicate whether you have been able to reflect
11 on the amount of time that you have -- that you need to have in order to continue.

12 MS CORBIN: [9:35:24](Interpretation) Yes, your Honour. Everything will depend
13 of course on the way in which the witness answers the questions that are put on the
14 group of documents, but the intention of the Office of the Prosecutor is to finish today
15 with these questions.

16 PRESIDING JUDGE MINDUA: [9:35:43](Interpretation) Thank you very much,
17 Madam Prosecutor. That's very important for us.

18 I now turn towards to the Defence to say to Ms Taylor that the Chamber
19 received -- has received your application, but for the moment the Chamber considers
20 that it is premature. We will see how the examination-in-chief develops and we will
21 make relevant instructions thereafter.

22 Prosecutor, the floor is over to you.

23 MS CORBIN: [9:36:24](Interpretation) Thank you.

24 QUESTIONED BY MS CORBIN: (Continuing) (Interpretation)

25 Q. [9:36:32] Good morning, Witness.

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1 A. [9:36:35] Good morning, Madam Prosecutor.

2 Q. [9:36:36] I would like to start this morning by showing you a second dispatch or
3 *message porté* to show you how these documents are created. Now this is the
4 document in tab 66, MLI-OTP-0012-0477, and we're going to show it on evidence 2
5 channel.

6 Can you confirm that there are two documents at tab 66?

7 A. [9:37:33] I confirm that I have two documents at tab 66.

8 Q. [9:37:44] Concerning the first document, page 0012-0477, is the author of this
9 document still the director of the DSM?

10 A. [9:38:06] Yes.

11 Q. [9:38:12] There is --

12 A. [9:38:16] If you look at the stamp on it, I presume that the author of this
13 document is certainly the director of the DSM at the time, General Youssouf Goita.

14 Q. [9:38:36] And the stamp, is this still the DSM stamp on it?

15 A. [9:38:45] Yes, that's correct, it's still the DSM stamp affixed thereto.

16 Q. [9:38:53] Is the document still addressed to the minister of defence, the chief of
17 general staff of the armies and the commander of operations?

18 A. [9:39:13] Yes, this document is for the minister of the defence of the former
19 soldiers, chief of general staff of the army and the commander of operations.

20 Q. [9:39:35] With regard to the type, with regards to the content, what is the type of
21 information, what's the source? What's the source of this intelligence or message?

22 A. [9:39:56] If I read this message and its meaning with the military precision that
23 is given, it is a message, it is definitely a message that comes from one of our
24 intelligence sources in the field.

25 Q. [9:40:26] Thank you. I would now invite you to look at the second

document, 0012-0478. Could you also explain what this type of message is about?

A. [9:40:53] This is a message that we received from the intelligence source, the intelligence source in the field, and it was sent to the directorate. Perhaps it should be said that we make -- or when it comes to the terms "*antenne*" and "*capteur*", as these are terms used for intelligence source, it's the same thing.

Q. [9:41:35] This intelligence source wrote this document? Who wrote it?

A. [9:41:56] This message was written in the directorate.

Q. [9:42:12] How did the intelligence source send this to the directorate in Bamako?

A. [9:42:29] Still by telephone. In terms of the directorate for operations, there is a team which gathers all information. The intelligence sources are in the field and, as such, they don't have the logistical, administrative means to draft or transmit messages. As such, that is done by telephone. So, in the terms of the directorate, the sub-officer who gets the message, who receives the message transcribes it for the chief of the operations division. This is all managed on a daily basis before being sent -- before being sent, if necessary, to the authorities.

Q. [9:44:02] Is there a link between this document and the *messages portés*, the dispatches?

A. [9:44:10] Not at all. There is no link. The message generally -- the dispatches normally go from the directorate to the authorities. And with regards to these messages, this is from the Kidal intelligence source and it goes to the directorate.

Q. [9:44:55] Very well. Because we're on this document, what can you say about the content of this document?

A. [9:45:26] So this message, it's talking about an attack, a firing in the direction of a camp, and it talks about the effect of this firing on to the camp and it even gives clarifications as to the type of firing. So it can also be said here, as is said, this is a

1 message that was drafted by an intelligence source.

2 In the second message - because there are two messages on the same page - it speaks
3 about the general situation in Kidal and, in particular, the location of our men, the
4 lack of means and, unfortunately, certain cases of desertion among the armed forces,
5 even going so far as to abandon the town, so the civilian population abandoned the
6 town. As this message indicates, it is drafted by our intelligence source in Kidal.

7 Q. [9:47:53] To the best of your knowledge and according to the other information
8 that you received at the time or thereafter, was the camp attacked at the beginning of
9 2012? The camp of Tessalit, was it attacked?

10 A. [9:48:18] *Yes. Tessalit camp, like most garrisons in that sector, it was subject
11 either to harassment or to targeted attacks. And the message that we have here gives
12 clarification, that the camp of Tessalit was harassed, but there wasn't any damage.
13 And so our intelligence source considered that it was probably what people call "tirs
14 de réglage" or ranging shots on the camp.
15 That's the situation.

16 Q. [9:49:34] With regard to the second message, to the best of your knowledge
17 according to the information that you had at the time or subsequently, did these
18 desertions take place towards the end *of January 2012?

19 A. [9:49:50] I can confirm that. I can confirm, after what happened in Aguelhok,
20 in Tessalit, the Kidal population were not at all calm and they were afraid. And this
21 fear was quickly communicated to the soldiers and we quickly saw that there were
22 desertions that took place in the camp. We just have to state that the geographical
23 situation meant that the deserters, for the most part given that they were from the
24 north, for the simple reason that when you are thousands of kilometres away from
25 home, it's very difficult to desert. So I confirm indeed that at this time there was

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1 desertion that took place, with a clarification that, for the most part, the deserters
2 came from the north.

3 Q. [9:51:56] Thank you. We're now going on to the first group of documents. In
4 the group of documents that I was going to show you, there's something that you
5 wanted to raise concerning a document with regards to the form or content. If
6 there's anything you would like to raise, please point it out.

7 Now the first series includes the documents between tabs 4 and 14 of the binder.

8 These are *messages portés* from the end of 2011.

9 Transcript, ERN is MLI-OTP-0012-0898. And the last document at tab 14 is at –
10 tab 14, OTP-0012-0682. So I'll give you some time to go through these documents
11 and see for yourself whether you remember some of the major points that are
12 included and were discussed during that session.

13 Have you looked at the documents?

14 A. [9:56:45] Yes.

15 Q. [9:56:49] Are these indeed the *messages portés* that were signed by the director of
16 the DSM at the time, bearing the stamp of the DSM and also the name of the general
17 director Goita?

18 A. [9:57:07] Yes, these are indeed the DSM *messages portés* which were sent to
19 various chiefs or leaders and were signed by General Goita and bearing the stamp of
20 the DSM.

21 Q. [9:57:36] Thank you. We shall revisit a view specific documents, but for now,
22 can you tell us in broad strokes what these documents refer to in general?

23 A. [9:57:49] These documents globally are dealing with the birth of the MNA, the
24 *Mouvement national de l'Azawad*. At the same time, when activities were going on
25 towards the creation of this movement, these messages also address the issue of the

1 arrival of Libya or the arrival from Libya of some former combatants of the Libyan
2 army.

3 The messages also address the issue of recruitment of people from within the
4 population. That group of messages also finally deals with the issue of training of
5 the young recruits. Therefore, if one were to follow the chronology properly, one
6 would understand that something was unfolding, namely, that a movement had been
7 created and that some forces had arrived from Libya with equipment, weapons and
8 ammunition, of course, and then there was an ongoing recruitment of members of the
9 population and those who were recruited received training for their cause.

10 I even forgot to mention that these messages also refer to actions geared at awareness
11 building within the population and outreach for the population to adhere to the
12 Sharia law.

13 So in really very broad strokes, that is what those 15 or so messages are referring to.

14 Q. [10:01:01] Thank you. In that series of documents I want to point out three
15 documents for your kind attention. The first would be at tab 8, MLI-OTP-0012-0686.
16 Can you confirm that this is a two-page document?

17 A. [10:01:38] Yes, this document indeed contains two pages.

18 Q. [10:01:45] On the first document, *message porté*, 22 November 2011, what is this
19 document about?

20 A. [10:02:21] This document speaks of the installation of Iyad Ag Ghaly in
21 Abeïbara with his men and weapons. The purpose here is to chase out the state from
22 that locality. For that purpose he has a partner and the partner is the Salafist leaders
23 in that area. The message also finally, as we said a short while ago, refers to the fact
24 that some nomads have left the city of Kidal. That is it.

25 Q. [10:03:42] Thank you. The second line states as follows: "According to our

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1 sources", what does that mean?

2 A. [10:04:06] "According to our sources" means going by those who provided us
3 with the information.

4 Q. [10:04:26] What type of sources, as far as you know, would have provided this
5 information or intelligence?

6 A. [10:04:43] Our sources, our intelligence sources, our *capteurs*, they are the ones
7 who provided the information.

8 Q. [10:04:54] Now on the second document, 0012-0687, what is this about?

9 PRESIDING JUDGE MINDUA: [10:05:08] Maître Taylor.

10 MS TAYLOR: [10:05:10] Thank you, Mr President. May we cut off the sound to the
11 witness.

12 PRESIDING JUDGE MINDUA: [10:05:20](No interpretation)

13 THE COURT OFFICER: [10:06:17] Madam court officer in the field, could you please
14 cut the sound.

15 PRESIDING JUDGE MINDUA: [10:06:52](Interpretation) Ms Taylor, it's now done
16 and you have the floor.

17 MS TAYLOR: [10:06:56] Thank you, Mr President.

18 Now the witness today is appearing as a fact witness, not an expert witness. In
19 accordance with the practice of this Chamber, it's necessary for the Prosecution to lay
20 a foundation before putting particular documents to the witness. Now what we
21 have here is a document in a different format, doesn't have a stamp, it's not signed.
22 It's handwritten. We don't know where this emanates from, who wrote it. So
23 before going -- diving in to asking the witness about the contents of the statement, it
24 would be appropriate for the Prosecution to first lay a foundation that the witness is
25 in fact in a position to provide evidence concerning the content of the statement.

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1 Otherwise, he assumes a pseudo-expert capacity.

2 PRESIDING JUDGE MINDUA: [10:07:59](Interpretation) Ms Taylor, are you
3 referring to document 0687?

4 MS TAYLOR: [10:08:05] Yes, Mr President. It's a handwritten document in a
5 different format than the document before it.

6 PRESIDING JUDGE MINDUA: [10:08:16](Interpretation) Okay, that's correct. It is
7 a handwritten document which is not signed, as far as I can see.

8 Madam Prosecutor, what's your answer?

9 MS CORBIN: [10:08:26](Interpretation) Maybe there is a misunderstanding of my
10 question. It might have been misinterpreted, but my question was what type of
11 document is it and not what content does it have. So maybe I can rephrase my
12 question, Mr President.

13 PRESIDING JUDGE MINDUA: [10:08:50](Interpretation) Please rephrase your
14 question.

15 Ms Taylor.

16 MS TAYLOR: [10:08:54] Thank you, Mr President. Just to bring to the attention of
17 the Court that, when we cut the sound to the witness, it also cuts the sound to the
18 Defence counsel in Paris. We can of course send them the transcript but we have
19 been alerted to that fact.

20 PRESIDING JUDGE MINDUA: [10:09:22](Interpretation) All right. That's a
21 technical problem.

22 Court Officer, how do we solve it?

23 THE COURT OFFICER: [10:09:28] I'm going to contact my colleagues, Mr President.

24 PRESIDING JUDGE MINDUA: [10:09:33](Interpretation) Thank you very much.

25 So we can now reconnect with the witness. Please open up the sound to the witness.

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1 The witness is now reconnected.

2 Ms Prosecutor, please continue.

3 MS CORBIN: [10:10:08](Interpretation)

4 Q. [10:10:11] Witness, in relation to document -- this document on page 0687,
5 before we delve into its content, I would like you to explain to the Court what this
6 type of document is, as far as you know.

7 A. [10:10:47] This is a document which was sent probably by an *antenne* or source
8 *capteur* to the directorate. However, I must say that this type of document, given
9 that it is not signed, all I can say basically is that it is a document that was received at
10 the directorate and which dealt with the situation in Kidal. That's all I can say.

11 Q. [10:12:03] To the top left of the document it is written "OPAM Kidal". Can you
12 explain what OPAM Kidal stands for?

13 A. [10:12:23] That strictly has no bearing to or with -- in fact, I think it is simply a
14 description of the fax system that was used. That's what I can say. So it has
15 nothing to do with the activities of the DSM.

16 Q. [10:13:04] So was this, therefore, according to you, a document that was sent
17 from the field?

18 A. [10:13:13] Yes, according to me, yes.

19 Q. [10:13:42] Was it a usual practice to send intelligence to the DSM by fax?

20 A. [10:13:57] It was not the usual procedure. In fact, our elements on the ground
21 were generally located in areas where you would rarely find this type of equipment.
22 So when a document was sent by fax, it is possible that this may have happened
23 because of the personal relationship that a *capteur* may have had with a civilian or
24 even with someone at the barracks where he was located. In that case, the *capteur*
25 has that possibility to send such information by fax.

1 But as I said earlier, in view of their position on the ground, it is extremely difficult to
2 find any such cases. Therefore, transmitting messages by fax, while not being
3 excluded, was not the general practice.

4 Q. [10:16:14] Are you familiar with the facts described in this document?

5 A. [10:16:44] Yes, I am. This document speaks generally of what we said a short
6 while ago, the position of Iyad Ag Ghaly and his position in Ghaly -- in Abeïbara,
7 rather, and that was something that was already known.

8 Secondly, reference is made to the seizing of a vehicle, and these are also very
9 frequent activities that occurred in those sectors. Generally speaking, people's
10 vehicles were often taken away.

11 Q. [10:17:51] Thank you very much. I would like you to look at the document in
12 tabs 10 and 14 together. *ERN MLI-OTP-0012-0909 and MLI-OTP-0012-0682.

13 What is it about? What does this document deal with? Or these documents, what
14 do they deal with?

15 A. [10:20:21] These two documents address the actions and the activities of
16 Iyad Ag Ghaly in his Abeïbara *secteur*. They also -- rather, the first one talks of a
17 meeting with the two movements, the *Mouvement Populaire de l'Azawad* and the
18 MNLA, indicating that the purpose of that meeting was the independence of the
19 northern part of the country.

20 The second document focuses on the same idea of independence, but this time around
21 it is with the civilian population. So when one analyses the two documents, one
22 finds that there is a consistency or coherence in the actions, there is a desire to chase
23 out the representatives of the state from the *secteur* in order to declare independence.
24 And the way to do that, they try -- or he has -- he tries to reach out to elements and
25 ex-combatants and share his vision with them. And then on the other hand, he

1 undertakes outreach to the population in very clear and specific terms. What he says
2 is that, for example, he does not prohibit the civilian population from recording or
3 filming what he was saying.

4 In this outreach to the civilian population, he was accompanied by officers of the
5 Malian army who had defected.

6 Q. [10:24:13] Let me hop back to document 0909 at tab 10, quote: "Opinions were
7 divided, some spoke of independence while others supported the jihad." Can you
8 explain what those words are referring to, or that assertion?

9 A. [10:24:54] Yes, what I was saying is that he was conducting outreach to the
10 civilian population. And within the civilian population and in connection to his
11 mission, the message states that there were divergent opinions. Part of the
12 population were of the view that the battle he was championing should exclusively
13 focus on independence. But there was another part of the population which
14 certainly was of the view that the jihad should be supported.
15 The message goes on to say that the meeting somehow ended without any conclusive
16 position being adopted. That is the precision that I can provide to that part of the
17 message.

18 Q. [10:26:37] Thank you. One last question in relation to the two messages.
19 What is the type of source of these two pieces of information?

20 A. [10:26:54] Still from our intelligence sources, our *capteurs*.

21 Q. [10:27:01] Thank you very much.

22 The next group of documents I would like to show you are *messages portés* from 3 to
23 18 December 2012 located in tabs 15 to 28. The first ERN is MLI-OTP-0012-0704 and
24 the last one is MLI-OTP-0012-0759. So I'm referring to tabs 15 to 28.

25 Are these the *messages portés* from the -- with the stamp of the DSM which were

1 signed by the director of the DSM at the time and with the seal of the DSM?

2 Addressed to the same addressees?

3 A. [10:32:41] With regards to these, in order to answer that question, I would just
4 like to have a few minutes' break. I'd just like to ask the President to have a few
5 minutes' break before answering questions on that particular group.

6 PRESIDING JUDGE MINDUA: [10:33:03](Interpretation) Very well. We give you
7 leave to have a break and we will suspend for 10 minutes.

8 Court is suspended.

9 THE COURT USHER: [10:33:19] All rise.

10 (Recess taken at 10.33 a.m.)

11 (Upon resuming in open session at 10.45 a.m.)

12 THE COURT USHER: [10:45:33] All rise.

13 Please be seated.

14 PRESIDING JUDGE MINDUA: [10:45:55](Interpretation) Court is in session.

15 Prosecutor, you have the floor.

16 MS CORBIN: [10:46:01](Interpretation) Thank you, your Honour.

17 Q. [10:46:06] Witness, I'll put the question to you again, a question that I put before
18 the break.

19 Where it concerns the document between 15 and 28, signed by the director of the
20 DSM at the time, with the DSM seal and addressed to the same person, are these
21 those documents? Are they *messages portés*?

22 Have you understood my question? Have you heard my question? Can you hear
23 me, Witness?

24 A. [10:47:31] Yes, now I can. There was just a problem.

25 Q. [10:47:35] Did you hear my question?

1 A. [10:47:39] Could you repeat it, please.

2 Q. [10:47:41] Of course. I was asking you if all of the *messages portés* between
3 tab 15 and 28 were signed by the director of the DSM at the time, with the stamp of
4 the DSM and addressed to the same addressees?

5 A. [10:48:03] Yes, the messages 15 to 28 are addressed to the same addressee and
6 they are signed by the director of the DSM, General Goita, with the stamp of the DSM.
7 Signed by the director of the DSM General Goita.

8 Q. [10:48:46] Briefly, what are these documents about?

9 A. [10:49:00] In this grouping, you can feel the increasing strength of the activities
10 of Iyad Ag Ghaly. There was a movement of former combatants on the one hand,
11 the outreach actions among the civilian population to join.

12 Now, when it comes to these different messages, 15 to 28, there was the arrival of
13 about 20 vehicles to provide reinforcement and these messages speak about the attack
14 of the camp -- on the camp of Tessalit, the attack on the convoy of the army which
15 was sent by way of reinforcement, *the arrival of a leader of the former combatants,
16 who in our view was even the boss of the former combatants, Mohamed Najim
17 (phon.). They came with vehicles and with the objective to attack certain localities
18 where our forces were.

19 There was also the meeting of Iyad with the Islamists in the zone with a view to
20 re-establishing Islamic law. There were a lot of troop movements of the former
21 combatants in the sector.

22 So to sum up, as I said by way of introduction, *we are one degree higher in Iyad's
23 vision of driving out the soldiers in the north sector and imposing Islamic law. That's
24 what can be said about this group of documents by way of summary.

25 Q. [10:52:41] I'd like to thank you for that.

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1 To the best of your knowledge, what type of sources are there, intelligence sources, in
2 this document or in these documents?

3 A. [10:53:03] These documents, they were written by our intelligence sources in the
4 fields. This is something that can be confirmed. When I say "written", they were
5 transmitted to -- they were transmitted to be written down, transmitted to the
6 directorate by our intelligence sources in the field.

7 Q. [10:53:40] Can we go to the next series of documents, those situated between
8 tabs 29 and 41. MLI-OTP-0012-0710 and 0012-817, these are *messages portés* from
9 24 January -- from 19 to 24 January 2012. So I will let you read these documents to
10 yourself.

11 THE INTERPRETER: The ERN number of the first document is MLI-OTP-0012-0770
12 and the last document, tab 41, 0012-0817.

13 MS CORBIN: [10:57:51](Interpretation)

14 Q. I just make a correction. I said it was to 24 January but it's actually to
15 23 January for this series.

16 Are these *messages portés* signed by the director of the DSM with the stamp of the
17 DSM and addressed to the same addressee?

18 A. [10:58:16] Yes, these are messages from the DSM signed by the director,
19 General Goita, with the stamp of the unit, the DSM, and addressed to the same
20 addressees.

21 Q. [10:58:46] Very briefly, what is this document about?

22 A. [10:59:01] In these documents, they speak about clashes that there have been,
23 certain cases of clashes that there have been in this, in this group of documents. At
24 the start I think they talk about taking back a camp, Ménaka, by the Malian armed
25 forces, the camp of Ménaka, following the fighting. And they also talk about a place

1 of reinforcement there, reinforcements from the -- or the sending of reinforcements
2 from former combatants from different localities, a movement of former combatants.
3 Now each is reinforcing these different weak areas in the field. Some of the soldiers
4 in Tessalit camp -- some of our soldiers in Tessalit camp say that they no longer have
5 good morale because the Malian army had difficulties when it came to evacuating
6 injured and wounded persons from the previous attack.

7 So you're in a garrison, you've been attacked, you've got people who were wounded,
8 who'd been shot among you. The military authorities can't evacuate them so, of
9 course, that shocks -- that's shocking and has a negative effect on the morality of the
10 men in the field. This is an interesting message where it speaks about the escort of
11 the convoy of prisoners carried out by the armed forces going towards Bamako.

12 So with regards to this third group, this reflects the intensity of the military activities
13 in the territory. And in one of these messages it speaks about the attack, the attack
14 that there was by the Malian army forces on Aguelhok, so the attack on the
15 reinforcements sent by the FAMa, the Malian armed forces on Aguelhok.

16 Q. [11:02:55] Which tab is this message on, if you would be so kind as to tell me?
17 What is the reference at the bottom of the document?

18 A. [11:03:07] MLI-OTP-0012-0793, tab 34.

19 Q. [11:03:42] Thank you. To the best of your knowledge, what type of intelligence
20 sources are there in this document?

21 A. [11:04:02] In this document it's still undoubtedly our intelligence sources
22 because there is a significant movement. When there's a significant movement of a
23 convoy, the leaders of the units there take the initiative to infiltrate it with an
24 intelligence agent. Of course in relation to the directorate, with their agreement.
25 That's it.

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1 PRESIDING JUDGE MINDUA: [11:05:16](Interpretation) Madam Prosecutor, I'm
2 just looking at the time. So it's 11.05. We're now going to have a break for
3 30 minutes and we'll be back at 11.35.

4 Court is suspended.

5 THE COURT USHER: [11:05:39] All rise.

6 (Recess taken at 11.05 a.m.)

7 (Upon resuming in open session at 11.36 a.m.)

8 THE COURT USHER: [11:36:15] All rise.

9 Please be seated.

10 PRESIDING JUDGE MINDUA: [11:36:38](Interpretation) The hearing resumes.

11 Madam Prosecutor, you have the floor.

12 MS CORBIN: [11:36:45](Interpretation) Thank you, Mr President.

13 Q. [11:36:49] Let's move to the next series of documents, Mr Witness, documents
14 between tab 42 and 61 of your binder.

15 ERN MLI-OTP-0012-0820 and the last document at tab 61, MLI-OTP-0012-0871.

16 These are *messages portés* of 24 to 27 January 2012. And I leave you time again to leaf
17 through these documents and see how much of them you remember.

18 A. [11:42:51] I'm ready.

19 Q. [11:42:52] Thank you. Are these in fact the *messages portés* signed by the
20 director of the DSM at the time and bearing the stamp of the DSM and addressed to
21 the relevant persons?

22 A. [11:43:11] Yes, most of the messages that I have read, all of them are from the
23 DSM. They are signed by General Goita, the then director of DSM, and bearing the
24 stamp of the DSM. They are addressed to the minister of defence, to the chief of
25 general staff who obviously was not in office at the time, he was on mission, and then

1 the operations commander. So these messages were addressed to the same persons.

2 Q. [11:44:06] Can you also again tell us in broad strokes what these documents deal
3 with?

4 A. [11:44:20] Generally speaking, these documents address the attacks on a number
5 of localities in the north. The attack on Tessalit, for example, and Lere,
6 Andéramboukane and Aguelhok, which we already looked at a short while ago.

7 Then there is also a threat of attacks by various columns that may be moving towards
8 Tessalit. And then there is mention of troop movements here and there as well, as
9 usual.

10 Maybe in this particular case there is a peculiar thing that needs to be pointed out
11 which is quite significant, namely, reinforcement received by the rebels from a
12 neighbouring country. That, broadly speaking, is what I can say about this group of
13 documents.

14 Q. [11:45:55] Thank you. As far as you know, what are the types of sources for
15 these pieces of intelligence?

16 A. [11:46:08] Sources of this intelligence, our *antennes*, yes, our *capteurs*, *capteur*.

17 Q. [11:46:26] Going by the other information that you may have received, did those
18 attacks against those military positions take place?

19 A. [11:46:39] Yes, the attacks against those military posts took place. And I think
20 that I saw in this group of messages one that dealt with the outcome of the attack -- of
21 one of the attacks. I don't know which message it is, but indeed these attacks took
22 place, all these barracks came under attack and often several times over and over
23 again, by the way.

24 Q. [11:47:33] Thank you. Let us now look at the next series of documents, two at
25 tab 62 and 63. ERNs MLI-OTP-0012-0872 to 0873. Two *messages portés*

1 of 30 January 2012.

2 A. [11:48:16] Okay, I'm done.

3 Q. [11:48:25] Are these still *messages portés* signed by the director of the DSM at the
4 time and bearing the stamp of the DSM and addressed to the same persons?

5 A. [11:48:41] Yes, I can confirm that these are DSM messages signed by the director
6 and bearing the stamp of the DSM. And addressed to the same persons, chief of
7 general staff of the armed forces who, by the way, was on mission.

8 Q. [11:49:14] Thank you. And what do these documents address?

9 A. [11:49:18] These two documents generally refer to the general situation that was
10 prevailing in Kidal locality. The first message specifies that officers of the
11 *Mouvement national de libération de l'Azawad* all had their families evacuated from the
12 national territory. The second message, in fact, addresses the psychosis that took
13 hold of the city of Kidal, mindful of the fact that the MNLA officers had taken their
14 families out of Kidal and that there was -- there were announcements of an
15 impending attack on the city, so the town became panic-gripped, as well as its
16 population.
17 So the town was finally deserted, given the fear of a possible attack or the
18 consequences of an attack.

19 Q. [11:51:06] What is the source of these pieces of intelligence?

20 A. [11:51:11] The intelligence is provided by the *capteur* or our intelligence sources.

21 Q. [11:51:33] Let us now look at the next series of documents between tabs 64 and
22 74. ERN of the first number MLI-OTP-0012-0877, and of the last document 0012-0739
23 and -- or rather, MLI-OTP-0012-0539. And these are *messages portés* which I now give
24 you an opportunity to take a look at.

25 A. [11:56:39] Madam Prosecutor, I'm ready.

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1 Q. [11:56:40] Thank you. Are these *messages portés* that were signed by the
2 director of the DSM at the time, or his deputy, which bear the stamp of the DSM and
3 are addressed to the same persons?

4 A. [11:56:57] Yes. These messages as well are DSM messages.

5 PRESIDING JUDGE MINDUA: (Overlapping speakers)

6 MS TAYLOR: [11:57:12] Thank you, Mr President. May we turn off the sound to
7 the witness briefly.

8 PRESIDING JUDGE MINDUA: [11:57:23](Interpretation) Court officer, please can
9 you turn off the sound for the witness.

10 Ms Taylor, you have the floor now that we are disconnected from the witness.

11 MS TAYLOR: [11:58:23] Thank you, Mr President.

12 Respectfully, this group of documents highlights the issues that can arise with
13 adopting the group approach which has been used by the Prosecutor, in the sense that
14 this is not an homogeneous set of documents. We have at least one that has been
15 signed by Boubacar Keita. And we have another, which is tab 66, it's
16 MLI-OTP-0012-0477 at 0478 which is not a *message porté*.

17 Now my learned colleague has used a leading question to the witness to ask if all the
18 messages are *messages portés*. So, out of fairness to the witness, I think when the
19 Prosecutor is dealing with a set of documents which are not entirely homogeneous,
20 it's not appropriate to use either leading questions, or to group them in that sense,
21 without giving the witness a chance to address documents which might actually have
22 different characteristics or different sources.

23 And the one that was signed by the witness I think is tab 70. So at the moment
24 there's a lack of clarity --

25 PRESIDING JUDGE MINDUA: (Overlapping speakers)

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1 MS TAYLOR: [11:59:34] -- by addressing this generalistic approach to them.

2 PRESIDING JUDGE MINDUA: [11:59:54](Interpretation) Yes, Counsel. I don't
3 really -- anyway, the Prosecutor wants to answer.

4 Prosecutor, you have the floor.

5 MS CORBIN: [12:00:02](Interpretation) Yes, document 70 has already been shown to
6 the witness and he has had the opportunity to explain the format of this document,
7 since it was a peculiar document with two attached documents. And so when it
8 comes to the signature, I was going to specifically show the witness the document at
9 tab 70 so that he can address the issue of the signature. But he has already
10 addressed the issue of the position he occupied at the time till March 2012. So this is
11 not something that is in question.

12 PRESIDING JUDGE MINDUA: [12:00:46](Interpretation) Ms Taylor, I confirm,
13 because document at tab 70 was already presented to this witness and discussed with
14 him, and I remember that very clearly.

15 The new element is that there is a signature of the witness on that document of -- at
16 tab 70 and I think the Prosecutor has provided an answer to that point already. So
17 can we proceed, Ms Taylor? Do you agree?

18 MS TAYLOR: [12:01:19] Mr President, my objection also related to tab 66, in the
19 sense that if we look at the second part of tab 66 it's a different document which is not
20 a *message porté*. Now the Prosecutor has put a question to the witness asking the
21 witness if all of the documents are *messages portés*. So out of fairness to the witness, I
22 don't think it's appropriate to group them altogether as if they're the same type of
23 documents when there might be exceptions. Because now we have a transcript
24 reflecting the witness saying yes when the witness has not been given an opportunity
25 to actually be presented with documents that might not be the same type.

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1 So I think when we have a group of documents which are not entirely homogeneous,
2 it's not appropriate for the Prosecutor to use leading questions which imply that
3 they're all the same to the witness.

4 PRESIDING JUDGE MINDUA: [12:02:28](Interpretation) Ms Taylor, thank you for
5 being so vigilant, but you know that at tab 66, that document -- the document -- the
6 second document had already been discussed. And you are right to point out that
7 Madam Prosecutor referred to all documents as *messages portés*, and that that was
8 unfair to the witness. Well, that is on the record now, so let us proceed.

9 Madam Prosecutor, you have the floor.

10 Court officer, please re-establish the connection with the witness.

11 That's done.

12 Prosecutor, please continue if you would be so kind.

13 MS CORBIN: [12:03:31](Interpretation) Thank you.

14 Q. [12:03:33] Witness, in this series of documents, to speak about the form, first of
15 all, I'd like to take you to the document at tab 70, MLI-OTP-0012-0525.

16 THE INTERPRETER: [12:03:58] 527, corrects the interpreter. ERN
17 MLI-OTP-0012-0527.

18 MS CORBIN: [12:04:05](Interpretation)

19 Q. [12:04:06] For this document, I would just like you to look at the signature and
20 tell me if you recognise it.

21 A. [12:04:24] I recognise it. This document was signed by the deputy director at
22 the time, the witness today.

23 Q. [12:04:42] Thank you. And if you could once again briefly look at the
24 document at tab 66 -- or, rather, the documents at tab 66, MLI-OTP-0012- -- just to
25 draw your attention to the fact that there is a document which isn't a *message porté* that

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1 we spoke about, MLI-OTP-0012-0477.

2 Apart from this nuance, is it the case that all these documents in this group are
3 documents signed by the DSM at the time, or his deputy, with the DSM stamp and
4 addressed to the same addressees?

5 A. [12:05:57] Where it concerns this message, yes, it was signed by the director. It
6 was sent to the usual addressees with a DSM stamp.

7 Now, with regards to this message --

8 Q. [12:06:26] I'm sorry, my question was with regards to the integrality of
9 this -- documents in this group, this group between tab 64 and 74?

10 A. [12:06:41] Well, I understand that between tab 64 and 74, these are *messages*
11 *portés*, dispatches. They are signed by the director and, in one case, by the deputy
12 director. They were all sent to the same -- they were all sent to the same addressee
13 with the stamp of the DSM.

14 Q. [12:07:15] And what are these documents about?

15 A. [12:07:22] From these documents, you can see that the attacks on certain
16 localities became more intensive, they intensified, *because you can also see the attack
17 on Niafunké, the Tessalit attack and the attack on Tinzawatène,
18 following which the army or the armed forces, they abandoned the field to go to a
19 neighbouring country. And another neighbouring country points out the arrival of
20 refugees onto its territory. They point that out in this series. I think that belongs to
21 the same -- I think that's basically what I would take from that group of documents.

22 Q. [12:09:10] What -- what's the type of source of these documents in this type of
23 messages?

24 A. [12:09:18] In these messages the intelligence is given by our intelligence sources.

25 Q. [12:09:40] And according to the other information that you received at the time,

1 subsequently did these attacks take place?

2 A. [12:09:57] Yes, these attacks took place. If we take the case of Tessalit, or in the
3 previous message we saw that there was firing, there was harassment. Tessalit
4 was -- Tessalit was attacked. It was difficult to evacuate it. Tessalit was
5 surrounded, it was attacked. They were difficult to evacuate some of the wounded.
6 So in the case of Tinzawatène, I said that -- that there were troops who abandoned the
7 field, they deserted and they went to a neighbouring country. Whether it was
8 Tinzawatène, whether it was Tessalit, whether it was Niafunké, I can confirm that it
9 was subject to -- I can confirm that all these localities were subject to attack.

10 Q. [12:11:20] Thank you. We'll go on to the next group of documents between
11 tabs 75 and 93. These are *messages portés*, dispatches, from 11 February 2012,
12 MLI-OTP- -- so these are documents from 11 February to 11 March 2012. And the
13 ERN of the first document is MLI-OTP-0012-0546 and that of the last document at
14 tab 93 is MLI-OTP-0012-0623. And you saw these documents in the preparatory
15 session and you can look at them now.

16 Were you able to view the documents?

17 A. [12:19:25] Yes, certainly.

18 Q. [12:19:29] So were these the messages signed by the director at the time with the
19 stamp of the DSM?

20 A. [12:19:39] Yes, these are the messages signed by the director of the DSM with the
21 stamp of the DSM. And they are -- or they were sent to the minister of defence and
22 the chief of general staff administration -- chief of general staff of the armies.

23 Q. [12:20:11] Thank you. And very briefly, what are these documents about?

24 A. [12:20:23] These documents are generally about the different attacks, but above
25 all the Tessalit attack, which our attention is drawn to. Tessalit was attacked with

1 a -- by a significant number of troops. The reinforcements of the Malian armed
2 forces also -- who arrived also at Tessalit, they were also attacked when they came in
3 reinforcement. And ultimately you can see that, unfortunately, Tessalit was
4 abandoned by the men -- by our men.

5 In Tessalit there was radio silence. The men abandoned the camp. It was -- at the
6 time it was said that stocks were taken by our men that was practically a success.

7 But we can simply just say that, after multiple attacks on this camp, it was abandoned
8 by our men.

9 The messages also point out that there were reinforcements. They came from certain
10 countries. *And there was another locality, called Terenkou and another,
11 Goma-Coura, which were attacked for the first time. So, in these series of messages,
12 there is the intensification of the attacks, particularly concentrated on Tessalit, which
13 ultimately fell in the hands of the assailants. And there were new localities such as
14 Goma-Coura and Terenkou which were also attacked. It's also pointed out that
15 reinforcements arrived from three different countries for
16 the -- or to come to the aid of the attackers. I've finished.

17 Q. [12:23:53] What is the type of sources of this information?

18 A. [12:24:09] This intelligence came from our intelligence sources.

19 Q. [12:24:22] I have an additional specific question for the document at tab 93,
20 MLI-OTP-0012-0623. At the bottom of this document it is written, "Following this
21 abandonment of the camp, Iyad Ag Ghaly occupied it with combatants whose
22 numbers were estimated at 300." Now, to the best of your knowledge, what is the
23 type of source of such information which was able to identify Iyad Ag Ghaly?

24 A. [12:25:19] What you have to know is that this information or intelligence that we
25 receive, this is something we always get from our intelligence sources. As I said

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1 previously, because they were in the Tessalit camp, they were, if you like, a relay of
2 information from the population in Tessalit. And so for us in the DSM, this was
3 information that we got from our intelligence sources. That's it.

4 Q. [12:26:17] Thank you. Now we can go on to the next series. These are the
5 documents at tab 94 to 97, ERN MLI-OTP-0012-0625. So tabs 94 to 97 from
6 12 to 26 March 2012. * The ERN of the first document is MLI-OTP-0012-0625 and the
7 last at tab 97 is 0012-0649. Have you finished reading the documents?

8 A. [12:28:30] Yes, it's fine.

9 Q. [12:28:32] So here is this a message signed by the director at the time, or his
10 deputy, with the DSM stamp on it and addressed to the minister of the defence and
11 the chief of general staff of the armies?

12 A. [12:28:48] Yes, I confirm that hereto this is a message from the DSM. It's signed
13 by the director with the seal of the DSM and it's addressed to the usual addressee.

14 Q. [12:29:13] And very briefly what is this? What's it about?

15 A. [12:29:22] Well, there are different messages. They're talking about
16 preparations, a preparation of a future attack on certain localities, Gao, Ansongo,
17 Anéfis. And there is a focus on Kidal, which also risks being attacked. The rebels
18 took measures to cut off the arrival of reinforcements to help the troops who were in
19 Kidal and this points to a possible attack on Kidal. And I've finished.

20 Q. [12:30:45] Thank you. What types of sources are there for these documents?

21 A. [12:30:56] These documents were sent by -- or this information was sent by our
22 intelligence sources.

23 Q. [12:31:06] Let us now look at the next series of documents between tab 98 and
24 100, and these are -- between tab 98 and 101, *messages portés* from 28 to 31 March 2012,
25 and the ERNs are as follows: MLI-OTP-0012-0652 and the last document is at

1 *tab 101, 0012-0656.

2 Are you done reading, Mr Witness?

3 A. [12:33:29] Yes, I'm ready.

4 Q. [12:33:34] Are these *messages portés* signed by the director of DSM at the time,
5 bearing the stamp of the DSM and addressed to the recipients, namely, the minister of
6 defence and the chief of staff of the armed forces?

7 A. [12:33:59] I can confirm that these are DSM messages addressed to the same
8 recipients and bearing the signature of the director of DSM, as well as the stamp of
9 the DSM.

10 Q. [12:34:30] Who was the director of the DSM at the time?

11 A. [12:34:44] The director of DSM at the time was Colonel Keita, Boubacar Keita,
12 who is your humble witness today.

13 Q. [12:35:04] What do these documents deal with?

14 A. [12:35:10] The documents refer to preparations regarding the attacks on
15 Timbuktu. At the beginning, you note that the chief of staff of the MNLA, who
16 happened to be a former combatant from Libya, had met with the population to ask
17 them to dissociate themselves from the state and to not disregard the possibility of an
18 attack. At the same time, about a dozen vehicles were moving towards Timbuktu
19 and when you put that information together, you can come to the view that these
20 were the preparatory activities towards the attack of Timbuktu.

21 Then later on in the messages it is indicated that the attackers had intended to attack
22 Timbuktu and had taken up positions some 10 kilometres away from Timbuktu.
23 So these various messages refer to preparations for a military attack on Timbuktu.

24 Q. [12:37:17] Thank you. And what are the types of sources of this information?

25 A. [12:37:28] This information was provided by our intelligence sources, our

1 *capteurs*.

2 Q. [12:37:41] *Please can you look closer at document at tab 99, with ERN

3 MLI-OTP-0012-0653. What is the source of this intelligence?

4 A. [12:38:36] Our *capteurs*, that's the source.

5 Q. [12:38:39] Thank you very much. Let's move on to the next series of documents

6 between 102 and 104, between those tabs. ERN MLI-OTP-0012-0658, 0012-0930, and

7 0012-0932. These are *messages portés* --

8 THE INTERPRETER: [12:39:13] Within a date that the Prosecutor read out too fast

9 for the interpreters.

10 Interpreter adds: From 31 March to 2 April 2012.

11 MS CORBIN: [12:40:02](Interpretation)

12 Q. [12:40:04] Are these indeed *messages portés* signed by the DSM director at the

13 time, bearing the DSM stamp and addressed to the same recipients?

14 I don't know if you heard my question relating to documents in tab 102 to 104 and in

15 relation to the signature and the recipients.

16 A. [12:41:04] I heard your question and I answered, but maybe you didn't hear me.

17 Q. [12:41:15] Indeed, we didn't hear you. Could you please kindly repeat your

18 answer?

19 A. [12:41:21] Of course. I said that the messages from 102 to 104 were signed by

20 the director of DSM and I do recognise the stamp of the DSM. And these messages

21 were sent to the recipients, MDAC and CEM/GA.

22 Q. [12:42:03] What are they all about, briefly?

23 A. [12:42:08] They refer to the attack on the Gao camp by the assailants. One of

24 the messages talks about the number of casualties at that attack. And it talks about

25 the arrival of Iyad and the attack on Gao. That's it.

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1 Q. [12:42:44] Thank you. What are the sources, the types of sources for this
2 intelligence?

3 A. [12:43:03] The source of this intelligence is the *capteurs*.

4 Q. [12:43:08] Thank you. Let's go to the next series of documents at tab 105 to 122.
5 *The ERN for the first document is MLI-OTP-0012-0933 and for the last document, at
6 tab 122, is MLI-OTP-0012-0192. These are *messages portés* from 3 April to 26 May 2012.
7 But before you look at them, there are a number of documents that are not signed in
8 this lot. These are documents number -- documents that can be found at tabs 106
9 and 119 and 119 to 122, which I've set those documents aside for today, but I ask you
10 to look at the others to see what comes to memory when you look at these other
11 documents in this set that we are dealing with right now.

12 A. [12:50:12] I'm ready.

13 Q. [12:50:13] Thank you, Mr Witness. Before I put any questions to you on the
14 format of these documents, could you please go to tab 117, MLI-OTP-0012-0948.

15 A. [12:50:41] 117 you say? Okay, I'm there.

16 Q. [12:50:46] Very well. Without mentioning any name, because we are in open
17 session, do you recognise the signature on that document?

18 A. [12:51:00] Yes, I recognise the signature on that document. That of my deputy.

19 Q. [12:51:10] Thank you. There is a handwritten annotation "seen". Do you
20 know who made that annotation? And what it means?

21 A. [12:51:33] This document has the annotation "seen" or "*vu*", and it certainly is a
22 document that was signed by my deputy, meaning, therefore, that at the time, the
23 director was absent.

24 Upon my return, the secretariat was under a duty to submit to me all the documents
25 that had been transmitted while I was absent so as to put me at the same level of

1 information as the directorate. And so when I was -- agreed or in agreement with
2 the document that had been sent, I would write "seen" on it. And where I did not
3 agree, I would call him in and we would talk things over with a view to improving
4 for the future the level of administration within the directorate.

5 So when you see "seen" or "*vu*", it is approval for the document to be sent forward to
6 the relevant recipients.

7 Q. [12:53:23] Okay. I thank you. Let's return to the documents between 105 and
8 122, setting aside the ones that are not signed. Are these the *messages portés* that were
9 signed either by the director or the deputy director of the DSM at the time, which bear
10 the stamp of the DSM and which were sent to the relevant recipients?

11 A. [12:53:47] Yes, I can confirm that these documents are all DSM documents which
12 were sent to the same recipients, all signed and bearing the stamp of the DSM, signed
13 either by the director or his deputy.

14 Q. [12:54:30] We shall hop back to a number of documents in this group, but in
15 general terms, what do these documents overall deal with?

16 A. [12:54:46] I can summarise these documents by saying that we see a
17 concentration of military activities on Timbuktu. First of all, there was -- it was
18 pointed out that Iyad Ag Ghaly had arrived in Timbuktu. It was also pointed out
19 that he had the intention to introduce Sharia law and that there was preaching in the
20 mosques in that regard.

21 Now, when it comes to schools, he agreed that schools could be opened on the
22 condition that girls and boys will attend separately or be separated. The messages
23 also referred to many movements of prisoners, military prisoners, who were at the
24 Gao prison, and then also the liberation of a number of prisoners by the High Islamic
25 Council, a significant number of them one must say.

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1 Q. [12:57:02] What is the type and source of these various pieces of intelligence?

2 A. [12:57:07] The source of the intelligence is our *capteurs*.

3 Q. [12:57:19] Please turn to tab 114, MLI-OTP-0012-0943. At the bottom of that
4 document it is written: "Iyad Ag Ghaly arrived in Timbuktu on 23 April 2012 and
5 his movement Ansar Dine received" reinforcements from AQMI -- "new
6 reinforcements from AQMI."

7 As far as you know, what is the source of this intelligence?

8 A. [12:58:19] It is again our *capteurs* who are the source of this intelligence.

9 Q. [12:58:32] Thank you. I think we can now move to the next group and these
10 are documents between 123 and 126, those tabs.

11 A. [12:58:44] The only issue is that I am beginning to suffer somewhat and I would
12 like to ask the President ...

13 PRESIDING JUDGE MINDUA: [12:58:54](Interpretation) You are right, Witness.

14 We shall now break for one hour for the lunch break and we will resume at 2 p.m.

15 The hearing is suspended.

16 THE COURT USHER: [12:59:04] All rise.

17 (Recess taken at 12.59 p.m.)

18 (Upon resuming in open session at 2.03 p.m.)

19 THE COURT USHER: [14:03:26] All rise.

20 Please be seated.

21 PRESIDING JUDGE MINDUA: [14:03:49](Interpretation) The Court is once more in
22 session.

23 Madam Prosecutor, you have the floor. Please go ahead.

24 MS CORBIN: [14:03:57](Interpretation) Thank you, your Honour. In order to come
25 back to this series of the *messages portés*, the dispatches, I would like to deal with two

1 groups which are smaller.

2 Q. [14:04:20] Good afternoon again, Mr Witness. We are now going to look at a
3 large group of documents, that's from 123 to 155. MLI-OTP-0012-0951 and the last
4 one 0012-0977. And these go from 29 May to 15 October 2012.

5 Before you look at all these documents, we're going to put aside some of them.

6 These are not signed. At 127, 128, 133, 135 and 136, and also 125 which has been
7 marked "cancelled".

8 You saw all these documents during the preparation session, so I would like to ask
9 you to have a quick look at them now in order to refresh your memory about their
10 general content. Thank you.

11 I see that you've finished reading through the documents; is that correct? Thank you
12 hear me, Mr Witness?

13 A. [14:17:42] Yes, I can hear you very well.

14 Q. [14:17:47] Now you've had a chance to review these documents, are these the
15 *messages portés*, the dispatches signed by the director or his deputy, with the stamp of
16 the DSM, and sent to the ministry of defence and the chief of the army staff?

17 A. [14:18:14] Yes, these are the dispatches from the DSM sent to the higher military
18 authority as usual. They are signed by the director and they have the DSM stamp on
19 them.

20 Q. [14:18:52] Could you please turn to tab 140, MLI-OTP-0010-0960 (sic).

21 A. [14:19:22] I have it.

22 Q. [14:19:25] It's marked "message intercepted". Is this part of the technical
23 intelligence you were referring to the other day?

24 A. [14:19:43] Indeed it does. We intercepted a message which was part of the
25 military cooperation, and this message as part of the intelligence sharing was sent to

1 us and we converted it into a *message porté*, a dispatch, for the minister. So this does
2 indeed fall into the area of technical intelligence which I discussed earlier.

3 Q. [14:20:52] I know I need to call on your memory because we've looked -- a lot of
4 these documents, but can you tell us roughly what these documents refer to? And
5 we'll come to some in detail later.

6 A. [14:21:15] From this batch from 123 to 155 I can say, generally speaking, *that one
7 can see, grosso modo, that after the phases of military action, we are here in the phase
8 of imposition of Sharia, in several cases. There are messages initially which refer to a
9 crisis meeting and the population which wanted to have a more liberal application of
10 the Sharia law, whereas the organization such as AQMI and Ansar Dine wanted to
11 apply it very strictly. We also noted that in this group here, that there were
12 confrontations between some groups, the MNLA and Ansar Dine, the MNLA and the
13 MUJAO. And finally, towards the end, the MNLA which was in Gao was sent away,
14 was chased away by the MUJAO and it moved further north. So it's a message
15 giving the outcome of these confrontations. There were casualties, there were
16 wounded, and a senior leader of the rebels was wounded during these skirmishes.
17 He was evacuated by helicopter to a neighbouring country.

18 And here basically we're talking about the implementation of Sharia law and there in
19 Timbuktu one had to -- although they administered 40 lashes, if I recall correctly,
20 40 lashes for one inhabitant who had apparently committed theft.

21 *In another place further south we were informed that consumption of alcohol and
22 cigarettes had been prohibited and that the wearing of the veil had become obligatory.
23 In other localities, this measure could not necessarily be implemented. I think from
24 memory that it was in Douentza or in Timbuktu. And there, there were
25 demonstrations of women who demanded that the commissaire of the Islamic Police

1 leave. The messages also talk about the destruction of mausoleums in the Douentza
2 quarter. And I think finally there is also talk of taking over accommodation and
3 administrative posts in the region of Timbuktu by Ansar Dine. That's, if you like, a
4 sort of quick résumé from -- a quick summary of what one can find in these
5 documents from tab 123 to 155.

6 Q. [14:26:48] And what types of sources did these -- did this intelligence come
7 from?

8 A. [14:27:01] We saw sometimes that there was technical intelligence applied that
9 was part of the military intelligence cooperation. Other than that, it was our agents,
10 our *capteurs*, there who were giving us the information.

11 For -- in some cases such as the floggings, this was public information and social
12 networks were also spreading images of the events.

13 Q. [14:28:05] I would like now to move on to the next series, which is the last
14 relating to the *messages portés*, the dispatches, which is from 156 to 172. The first is
15 MLI-OTP-0012-0979 and that of the last is 0012-0888 and it covers the period from
16 22 October 2012 to 2 April 2013.

17 These are *messages portés* signed by the then director of the DSM, or his deputy, and
18 bearing the DSM stamp and also addressed to the same recipients?

19 A. [14:32:59] Yes. The messages are all DSM messages signed by the director and
20 bearing the stamp of the DSM and addressed to the same recipients.

21 Q. [14:33:31] Generally speaking, what do these documents deal with?

22 A. [14:33:44] These documents in part also concern the clashes between MNLA and
23 MUJAO and the messages also refer to the outcome of the clashes. *There is
24 information that Ménaka had been recaptured by MUJAO after clashes with the
25 MNLA. And then further on there is mention of the creation of terrorist training

1 centres in the north of the country, specifically in N'Tillit and N'Daki.

2 There is also mention of preparations for the attack on Konna in one
3 of the messages.

4 Then there is reference to the application of Sharia law in the region or in the
5 Goundam locality. This is also mentioned in the reports. In Goundam.

6 Then there is mention of explosions in the house of Iyad Ag Ghaly which led to injury
7 and death.

8 Reference is also made to the presence of the attackers in -- or, rather, in the east of the
9 country in a forest known as the Wagadou forest.

10 So *grosso modo* it could be said that in these messages the attackers are preparing to
11 move towards the south and actions are being taken to reinforce the application of
12 Sharia law in that region or in some localities. That will be all.

13 Q. [14:37:02] Thank you. Now we have finished with this most bulky aspect of
14 the binder. Now these were *messages portés*. Now, on hindsight and based on other
15 information that you may have received subsequently, do you have anything else to
16 add to the content of these documents in relation to the events at the time?

17 A. [14:37:38] What I can add is that, for the DSM, the content of these messages that
18 we received from our *capteurs*, and I said this earlier, this information for us was
19 deemed to be credible. It is information that was gathered from within the
20 population and transmitted by our intelligence sources. That is it.

21 Q. [14:38:37] Thank you. Let us then therefore move to the next category of
22 documents between tab 173 and 185 of the binder, MLI-OTP-0010-054 (sic) for the first
23 document and the last document ending in 0119.

24 A. [14:39:17] Could you please repeat the tabs.

25 Q. [14:39:23] I see that you need to change your binder. The first binder is 173 and

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1 the last one is 185. Once again these documents follow a chronological order going
2 from 20 May 2011 to 18 April 2012.

3 For this batch of documents I'm not going to ask you to read the content of each of the
4 documents, but I simply want to draw your attention to the formats that are used,
5 particularly when it comes to the signature and the stamp on the documents.

6 Well, I see that in the transcript reference is made to tab 173 -- 176, rather, in the
7 transcript, but the first tab is 173.

8 A. [14:41:54] That's what I noted as well.

9 Q. [14:41:56] Very well. Are these all -- these documents all official of -- official
10 documents of the DSM?

11 A. [14:42:07] Yes, they are all official documents of the DSM.

12 Q. [14:42:12] What causes you to say -- I'm sorry, please continue.

13 A. [14:42:18] The documents were signed by the director and they bear the stamp
14 of the DSM. The only difference in relation to the *messages portés* is that we are
15 looking here at a series of information or intelligence bulletins in this case. That's
16 what I want to point out.

17 Q. [14:43:01] Let me invite you to look at a document in this series so that we can
18 see the format of the document. And I pick document number 185, the last
19 document in this batch, MLI-OTP-0012-0119.

20 Do you recognise the header of this document?

21 A. [14:43:51] Yes, I do recognise it.

22 THE INTERPRETER: [14:43:54] The letterhead, rather, of this document.

23 THE WITNESS: [14:44:00](Interpretation) Yes, I recognise the letterhead of the
24 document. It's signed by the director of the DSM.

25 MS CORBIN: (Interpretation)

1 Q. [14:44:18] The letterhead bears a number. What is that number affixed to the
2 document and who does so?

3 A. [14:44:21] If you are referring to the 0095, well, that's the DSM number and it is
4 appended by the secretariat of the director.

5 Q. [14:44:59] Who is the addressee or recipient of the document -- of these
6 documents?

7 A. [14:45:10] Unlike the other documents, this document is addressed to the chief
8 of general staff of the armed forces only.

9 Q. [14:45:35] Now, the format of the text, is this the standard format for such texts?

10 A. [14:45:46] This is the standard format, yes. It's an information -- an intelligence
11 bulletin which in this specific case, and I seek here to clarify the situation, it is
12 addressed to the chief of general staff of the armed forces who possibly is in need for
13 information regarding the planning of operations. So you will note that the
14 reference mentions a number, 0454, chief of general staff. So that reference number
15 is what you go by to note that the chief of staff has requested from the director of
16 military intelligence information pertaining to the general situation on the ground in
17 a specific sector for purposes of planning operations.

18 So the DSM, being the hub for all this information which is held either at the
19 secretariat or in the archives, thus has the possibility to provide a synthesis of all these
20 documents mindful of the real situation on the ground. That is why you see in this
21 document a number of localities that were mentioned by the chief of general staff of
22 the armed forces and the threats and possible solutions thereto.

23 And then there is a conclusion and a final analysis made by the director, including
24 probably suggestions to the chief of general staff with regard to the planning of his
25 operations.

1 So this is what I can say about the manner in which this intelligence bulletin is
2 drafted.

3 Q. [14:49:02] Thank you. Who drafted this document or these documents?

4 A. [14:49:16] This document is drafted within the DSM, specifically by the chief of
5 the *capteurs* within the operations division who harnesses all the intelligence which
6 has been archived at the DSM, as well as all current intelligence being directly
7 received from the ground through our *capteurs*.

8 Q. [14:50:30] The other documents in that batch, are they drafted in a similar
9 manner?

10 A. [14:50:54] The document that we have just looked at was a document drafted at
11 the behest of the chief of general staff of the armed forces. But most of the other
12 information or intelligence bulletins fall under the traditional methodology for
13 gathering and transmitting intelligence within the DSM. They are all intelligence
14 bulletins, but, as I said, for the specific case we looked at, there was a request from the
15 chief of general staff for specific items. So there might be important intelligence
16 currently coming from the field, but that would not be included in this type of
17 bulletin because if we had looked at the reference above, we would have noted the
18 various corridors or mechanisms through which the chief of general staff was seeking
19 that specific information.

20 What I'm saying therefore is that the message we have just looked at is a response to a
21 request. *And the others are messages that were written after the daily briefings at the
22 Directorate.

23 Q. [14:53:13] Thank you. So the other documents are also drafted by the same
24 individuals within the directorate; is that the case?

25 A. [14:53:24] Yes.

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1 Q. [14:53:27] I would like to spend some time with you on document at tab 178,
2 MLI-OTP-0012-0083, and I would really like to dwell on this with you for a moment.
3 This is a biography and a situation update on Abou Zeid. For this type of analysis,
4 what is the type of source that you use for this intelligence?

5 A. [14:54:44] These types of bulletins can come from open sources, open sources.
6 For example, newspapers can provide some information, specific information on a
7 chief. That information is open to everybody and we use it as intelligence from open
8 sources. Furthermore, this intelligence bulletin or information bulletin can fit within
9 this profile. That's what I can say.

10 Q. [14:56:00] Thank you.

11 PRESIDING JUDGE MINDUA: [14:56:05](Interpretation) Court officer, we can hear
12 the witness but we don't see him.

13 THE COURT OFFICER: [14:56:16] The audio-visual technician is looking into it, but
14 he should be appearing shortly.

15 PRESIDING JUDGE MINDUA: [14:56:23](Interpretation) Thank you. Thank you
16 very much.

17 THE WITNESS: [14:56:53](Interpretation) I answered the question. Are you
18 waiting on me?

19 MS CORBIN: [14:56:57](Interpretation)

20 Q. [14:56:59] Well, we don't have your image in the courtroom so we cannot see
21 you. We can hear you, but we cannot see you, so we have to wait for the network to
22 reconnect.

23 A. [14:57:14] That's unfortunate.

24 MS CORBIN: [14:57:44](Interpretation) Your Honour.

25 PRESIDING JUDGE MINDUA: [14:57:50](Interpretation) Madam Prosecutor.

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1 MS CORBIN: [14:57:54](Interpretation) I see the time. I know that we do have to
2 take breaks occasionally, would this be a good moment to take a five-minute break
3 during the time we're looking for the connection?

4 PRESIDING JUDGE MINDUA: [14:58:10](Interpretation) That seems to be an
5 excellent idea. We will have a seven-minute break and we will start again at five
6 past three.

7 The hearing is adjourned.

8 (Recess taken at 2.58 p.m.)

9 (Upon resuming in open session at 3.08 p.m.)

10 THE COURT USHER: [15:08:40] All rise.

11 Please be seated.

12 PRESIDING JUDGE MINDUA: [15:09:00](Interpretation) The hearing will now
13 resume.

14 I believe now everything is functioning.

15 Madam Prosecutor, you have the floor.

16 MS CORBIN: [15:09:12] (Interpretation) Thank you, your Honour.

17 Q. [15:09:15] Mr Witness, we are now going to move on to a new category of
18 documents. These are from tabs 186 to 224, MLI-OTP-002-0236 is the first document,
19 and the last one is 002-0193. They are in chronological order as before.

20 And there is one document from 2010, and then from 18 April 2011 to

21 6 December 2012. In this case, we can also set aside two documents which have not
22 been signed, that is tabs 202, 211. I would ask you again to review these documents,
23 but if you could perhaps just concentrate on the form rather than their content this
24 time, please. Thank you.

25 You have finished looking at the documents, Mr Witness?

1 Mr Witness?

2 A. [15:12:36] I can hear you very well.

3 Q. [15:12:39] And we can hear you. Have you had a chance to look at the
4 documents from a form point of view?

5 A. [15:12:49] Yes, I have. I have checked the -- their form.

6 Q. [15:12:56] Are these all official DSM documents?

7 A. [15:13:07] Yes. These are indeed official documents from the DSM. They are
8 documents which have been signed by the director and they bear the DSM stamp.
9 They are addressed to the minister of defence and former combatants.

10 Q. [15:13:47] Yes. Thank you. If we could turn now, please, to tab 196 to look at
11 a document in more detail, both in form and the content. And that is document
12 MLI-OTP-0012-0356.

13 A. [15:14:24] Yes, I've got that document now.

14 Q. [15:14:28] Is that the standard format of a DSM intelligence bulletin?

15 A. [15:14:45] Yes, I can confirm that that's the standard format of a DSM
16 intelligence bulletin.

17 Q. [15:14:58] And from the point of view of the operational intelligence, starting on
18 page 2, what is the type of source of this type of intelligence?

19 A. [15:15:17] I see that when you look at documents, they are a report of -- a weekly
20 report of activities, so they cover a week, the activities that took place during a week,
21 and I said earlier on this morning that we make weekly summaries.

22 Most of these intelligence reports or dispatches that we receive from our agents in the
23 field, we have already noted this intelligence and passed it on to the military
24 authorities, but there was initiative to, at the end of the week, collate all the
25 information supplied during the week and to prepare an intelligence bulletin

1 allowing us to draw conclusions.

2 So that's one of these messages, and it was based therefore on the information
3 received from our agents during the course of the week, information which has been
4 sent directly to the ministry of defence.

5 Q. [15:17:38] What is the difference between the information -- the intelligence
6 bulletins sent to the chief of the armed forces and to the minister of defence?

7 A. [15:18:01] When you look at the bulletin sent to the chief of the armed forces, I
8 said that this is a bulletin which would allow him to prepare his operational planning
9 for the troops in the field. And in the document that we have in front of us here, this
10 is a document which talks about the morale among the men and the situation in the
11 barracks and is intended for the minister.

12 Some documents may also contain information or intelligence on the forces in the
13 field which may interest the head of the armed forces. And the differences that the
14 chief of the staff of the army -- of the armed forces had would have expressed a clear
15 request with precise aims.

16 But this is the regrouping of the information received from our agents over the course
17 of the week, information that has reached us in the ministry of defence.

18 Q. [15:20:13] Could you please look at document 197, which is MLI-OTP-0012-0374.
19 In this document could you please look at the operational intelligence section on the
20 second page, the last lines, which are:

21 "At Timbuktu, the Islamist elements have designated troops to act as a police in the
22 city. Furthermore, two aircraft" have overflowed the town on the -- "overflew the
23 town on 2 May 2012."

24 To your knowledge, what is the source of this information?

25 A. [15:21:15] For us, the source of this information is, as always, our *capteurs*, our

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1 agents. And these agents have connections within the population which allows
2 them to get information from the population, which they can then convey to us.

3 I should say that at the time, there are -- there's also information here which might
4 have been on radio waves about what was happening there. In other words, that
5 would clearly be intelligence gained from an open source. That's what I can say.

6 Q. [15:22:46] Thank you. Could we please now look at document 215, or tab 215,
7 which is MLI-OTP-0012-0445.

8 In this document could you please look at page 2 where there is a part about
9 Timbuktu and it says, and I quote:

10 *"The population of the city is silently resisting the occupation by religious extremists
11 through civil disobedience. In addition to disposessing the population of items that
12 are seen as prohibited, or haram, such as jewelry, by Ansar Dine ..." And the phrase
13 continues.

14 Could you please tell us, if you remember, what is the source of information like this?

15 A. [15:24:26] As far as I know, this would have come from agents having sources
16 within the population. The population seemingly suffering excessively under what
17 is being imposed upon them. And then a bit further down, it would seem that there
18 is a state institution, the High Islamic Council, which is also based in Bamako, which
19 is again somewhere where they can get information about the life of the population
20 which is given to them.

21 THE COURT OFFICER: [15:26:06] Your Honour, we have lost the connection with
22 the VTC and a technician is currently looking into it.

23 PRESIDING JUDGE MINDUA: [15:26:16](Interpretation) Very good.

24 Ms Taylor.

25 MS TAYLOR: [15:26:31] Thank you, Mr President, would this be a --

1 (Technical interruption)

2 PRESIDING JUDGE MINDUA: [15:26:49](Microphone not activated)

3 (Speaks English) Could you repeat.

4 MS TAYLOR: [15:26:50] Thank you, Mr President. Would this be an opportune
5 moment for Mr Al Hassan to respectfully ask to be excused, given that there's a break?
6 We had earlier discussed with the court officer him leaving at 3.30, but given that
7 we're temporarily broken, I thought it might be a good opportunity.

8 PRESIDING JUDGE MINDUA: [15:27:13](Interpretation) You're quite right,
9 Ms Taylor. Mr Al Hassan may be excused.

10 Madam Prosecutor, we now have re-established the connection with the witness.

11 MS CORBIN: [15:27:33](Interpretation)

12 Q. [15:27:35] I have one final document I would like to show you from this series.
13 It's at tab 222, which is MLI-OTP-0012-0472.

14 On the second page, where it relates to Timbuktu:

15 They continue -- "The population continued to leave the city as they feel that the
16 situation will only get worse with the presence of the Islamists. A radio has
17 informed us of the will of the Islamic movements to follow more closely prayers in
18 the city, as well as the closure of the market on Friday at time of prayer."

19 To your knowledge, what is the source of this intelligence?

20 A. [15:28:54] This information came from our agents, but you have -- you are well
21 advised to read the part that -- where there is mention of the Islamists. This is
22 something which we were following very closely. The Islamic radio, we were
23 listening to these stations very closely so that we would have information about what
24 was happening at that location.

25 From my point of view, the radio presenters - and that's important - were giving

1 information through the radio. And as we had an audio room available, that may
2 also have been the source of the information. I'm not entirely sure.

3 Q. [15:30:42] Thank you. Let us now move to the next batch of documents,
4 tab 225 to 238 of the binder. First document at 225 is MLI-OTP-0012-0207 and the
5 last document at 238 is MLI-OTP-0012-0281.

6 These documents, once again, are classified chronologically and, once more, I ask you
7 not to focus on the content but rather on the format of the document.

8 A. [15:32:35] I'm ready.

9 Q. [15:32:39] Are all these documents the product of the DSM?

10 A. [15:32:50] All these documents were produced by the DSM.

11 Q. [15:33:00] Do they bear the DSM letterhead?

12 A. [15:33:06] Yes, they have the DSM letterhead and they are signed by elements,
13 so to speak, of the DSM. I cannot say that I recognise all the signatures, but I do
14 recognise the names of those who signed the documents as being elements under me.

15 Q. [15:33:40] Who are these documents addressed to?

16 A. [15:33:49] The documents are addressed to the chief of the intelligence
17 division -- or division of operations, rather, the chief of the operations division. They
18 are generally presented during briefings *for cross-checking before being
19 issued either as *messages portés* or intelligence bulletins or even information notes.
20 Let me point out that our intelligence sources on the ground could also directly call
21 the directorate and provide this information which, for the most part, is transcribed
22 by hand, as you can see, for the purposes of the briefing.

23 I also point out, furthermore, that all those who work at the directorate in Bamako are
24 of the same rank or service as the *capteurs*, the drivers, the janitors, those who are in
25 charge of security at the directorate, if they come by any information while in Bamako

1 or on the ground, they have a duty to forward such intelligence to the directorate.

2 There are forms that are available to all and sundry. They can collect those forms
3 and provide intelligence to the chief of the operations division.

4 So that's what I can say regarding this series of information or intelligence bulletins.

5 Q. [15:36:39] I would like you to focus on the document in tab 225 -- 235, rather,
6 ERN MLI-OTP-0012-0271, document of 9 July 2012.

7 Let's start with the format. We can see handwritten annotations at the top of the
8 document. Can you explain to the Court what that is all about, please.

9 A. [15:37:20] Yes, you can see "*vu*" --

10 THE INTERPRETER: Or "*seen*" in English.

11 THE WITNESS: [15:37:27] -- "*DRPP*" for processing. This is a bulletin that was
12 received at the directorate. It is drafted, as I was saying before, by someone who is
13 not on the ground but who is at the directorate itself. That information is forwarded
14 to that source's chief requesting that the document be used for certain purposes. So
15 it could be a matter of cross-checking the content of a particular document before --

16 (Disconnection of the video link)

17 (Reconnection of the video link)

18 PRESIDING JUDGE MINDUA: [15:39:23](Interpretation) Please proceed, Prosecutor.

19 The witness is back.

20 Mr Witness or Madam Prosecutor, who is taking the floor?

21 MS CORBIN: [15:39:46] (Interpretation) I think the witness had provided somewhat
22 of an answer in which he said that the document had been received at the directorate.

23 Q. [15:40:02] What brings you to that opinion? Is it reference to the annotation
24 "*seen*" or is it something else?

25 Mr President, we don't have the sound from the witness. Could the witness repeat

1 his answer?

2 A. [15:40:29] I can confirm that this is a DSM document, going by the signature at
3 the bottom of the document, the signature of a DSM agent or staff whom I know very
4 well. That's it.

5 Q. [15:40:59] My question was what is it that gives you authority to say that this
6 bulletin was received or arrived at the DSM? Is it the "*vu*"?

7 A. [15:41:16] I see a small annotation which requests a division to process this
8 intelligence. In other words, the annotation requests that the bulletin be analysed for
9 the purposes of the daily briefing. That is it.

10 Q. [15:42:14] Thank you. Let us then move to the next batch of documents
11 between tabs, sorry, 239 and 242. First document, MLI-OTP-0012-0287, and for the
12 last document it's MLI-OTP-0012-0327.

13 A. [15:43:10] I can see the documents.

14 Q. [15:43:13] What are they about?

15 A. [15:43:26] These are documents that we received, three from the minister of
16 defence and the last one was sent to us by the chief of general staff of the armed
17 forces.

18 Regarding the first three documents, when I talked about the missions of the DSM in
19 that presentation, I pointed out that there were other services similar to ours which
20 also are involved in intelligence activities. I said that we met with the chiefs of
21 services of those other instances from time to time in order to be fully briefed.

22 We, as DSM, are attached to the ministry of defence in the same manner as the other
23 services. What we see here therefore are intelligence forms which they refer to as
24 "*fiche de renseignement*" or "intelligence forms". That is what they use, that's what
25 they use. And in the ministry of defence, we do the same in the DSM.

1 In this case the minister sends this document to us so that we are on the same page
2 with the gendarmerie and the police and the other services that are involved in
3 intelligence gathering, things of that nature. So we are on the same page with them,
4 and what could happen from time to time is that the information provided to us by
5 the minister is information that is already in our possession. But it could also
6 happen that this is information that we did not come by because, as you may know,
7 we do not have the same methodologies and intelligence gathering approaches, we
8 do not have the same *capteurs*, and we do not have the same presence on the ground.
9 That is why the minister makes it a duty to share the information that he receives
10 from one service with another service. And this, by the way, as established, does
11 facilitate meetings at which intelligence is shared at the very high level.

12 Now, when it comes to the last letter from the chief of general staff of the armed
13 forces, tab 242, that is a note to all chiefs of general staff and directors of services. If
14 one looks into the document proper, one would see the concern of the chief of general
15 staff regarding the recapture of lost ground by our forces, namely, recapturing the
16 north. In this context he assigns missions to all major authorities under him.

17 There is an annex which spells out the missions to the gendarmerie, to the guard, to
18 the air force, to the army, that is, the ground forces, and of course to the DSM.

19 So that's it. And the issue here is at this juncture for the chief of general staff to
20 remobilise the structures below him with a view to reconquering the north.

21 So that's what I can say with regard to this note or directive from the chief of general
22 staff of the armed forces.

23 Q. [15:49:45] These four documents, as far as you know, are they official
24 documents?

25 A. [15:49:59] If I rely on the signature of the officers of the army whom I know and

1 on the letterhead, I can confirm that these are official documents.

2 Q. [15:50:28] Thank you. Can you look at the document at tab 241,
3 MLI-OTP-0012-0310. In that document I want to draw your attention to the last page,
4 0314.

5 A. [15:51:00] Yes, I can see that document.

6 Q. [15:51:11] Do you recognise the signature and the stamp on that page?

7 A. [15:51:15] Yes, I confirm that it is a signed document, signed by a general at the
8 time who was minister for security. And I recognise the stamp as well. So it is an
9 official document.

10 Q. [15:51:39] Let me read an excerpt from that document at the very bottom of the
11 document on Timbuktu: "On 20 September 2012 at the Timbuktu market, Islamists
12 alleged to have intercepted and beaten up women for refusing to cover themselves
13 up."

14 As far as you know, what is the source of that intelligence?

15 A. [15:52:09] A short while ago I said that the various structures used different
16 methods and plans for information gathering. This intelligence has come to us from
17 a ministry, namely -- or from a department within a ministry, namely, the department
18 for internal security and civilian protection. This department has gendarmes, it has
19 the national guard and policemen who are all involved in intelligence work.

20 What I can say, without being very specific about it, is that it is these agents who,
21 working on their own intelligence-gathering methodologies, forwarded or
22 transmitted this information to the minister in much the same way as we do provide
23 our own intelligence to the ministry of defence as well.

24 Q. [15:53:52] Thank you. We shall now look at the last four documents in the
25 binder. These are not very homogenous documents. I'll just give you time to look

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1 at them. Documents between 243 and 246. And then the ERN numbers are
2 0012-0022, and for the subsequent documents I'll just read out the last four digits:
3 0147, 0016 and 0211.

4 Can you explain to the Court what each document is about and whether each
5 document is a DSM document?

6 A. [15:54:55] Very well. The first document, 0012-0147 --

7 Q. [15:55:10] Before that, there is the 0922 to begin with. I'm sorry, I made a
8 mistake. It's 0012-0922 to begin with.

9 A. [15:55:27] 0922, that's correct, it is a document -- it's an official document signed
10 by the director, it bears the stamp of the directorate. This document is a detailed
11 elaborate -- a detailed intelligence form which deals exclusively with the MNLA, from
12 its creation or from plans to create it through its congress and the various stages of
13 the -- of developments within the movement and the main leaders of the movement.
14 So that document is -- in fact is an analysis of the background of the MNLA.
15 Document 0012-0147, that document is an official document signed by the director
16 and it has the stamp of the DSM. That document provides a list of our soldiers who
17 died at the battlefield in Kidal, Gao and Tessalit.

18 Document 0012-0166 is not a document that was drafted by the DSM -- a DSM *capteur*,
19 but I can say that it is not impossible for this document to have been provided by one
20 of the sources of a *capteur* who could have drafted this document and sent it to the
21 DSM. I say so because the name appearing on the document is unknown to the DSM
22 or is not the name of an agent of the DSM, to be exact.

23 As for the last document, it is a DSM document. I know its drafter. It is an
24 information note which was received at the directorate and you see the annotation
25 "DGA" on it and so this is clearly an official document of the DSM. That will be it.

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1 I'm done.

2 Q. [16:00:27] We are also done questioning you on all the documents that we
3 wanted to put to you. I have also concluded my examination. I thank you for your
4 patience and for all the specifications or specifics that you have provided.

5 A. [16:00:46] Thank you very much.

6 PRESIDING JUDGE MINDUA: [16:00:49](Interpretation) That is it. It is 4 p.m.
7 Thank you very much, Madam Prosecutor. We have now come to the end of our
8 day.

9 Mr Witness, Mr Witness, the Chamber once again thanks you very sincerely for
10 having provided clear answers to the questions that were put to you. But as you
11 obviously know, your testimony is not yet over, so we will continue tomorrow,
12 tomorrow morning. In the meantime, and as you know, you are forbidden from
13 talking about your testimony with anyone whosoever.

14 Now, before we close for the day, I want, as usual, to thank the parties and
15 participants, the court reporters and the interpreters, the security officers, as well as
16 our public. We shall resume the hearing tomorrow morning at 9.30.

17 The session for today is adjourned.

18 THE COURT USHER: [16:02:12] All rise.
19 (The hearing ends in open session at 4.02 p.m.)

20 CORRECTIONS REPORT

21 The following corrections, marked with an asterisk and not included in the
22 audio-visual recording of the hearing, are brought into the transcript.

23 Page 6 lines 10-15

24 "Yes. Tessalit camp, with regard to the garrisons in that sector, it was
25 subject to harassment or attacks, full-on attacks, targeted attacks. And just to be

1 clear here, the message that we have here states that the camp of Tessalit was
2 harassed, but there weren't -- there wasn't damage, and so our intelligence source
3 considered that it was probably that people were firing at the camp. That's the
4 situation." Is corrected to "Yes. Tessalit camp, like most garrisons in that sector, it was
5 subject either to harassment or to targeted attacks. And the message that we have here
6 gives clarification, that the camp of Tessalit was harassed, but there wasn't any
7 damage. And so our intelligence source considered that it was probably what people
8 call "tirs de réglage" or ranging shots on the camp. That's the situation."

9 Page 6 line 18

10 "of 2012?" Is corrected to "of January 2012?"

11 Page 12 line 12

12 "ERN MLI-001-0909 (sic) and MLI-OTP-001-0682 (sic)." Is corrected to

13 "ERN MLI-OTP-0012-0909 and MLI-OTP-0012-0682."

14 Page 15 lines 15-17

15 "the arrival of the leader of former combatants; he was the captain of the former
16 combatants or the boss of the former combatants." Is corrected to "the arrival of a
17 leader of the former combatants, who in our view was even the boss of the former
18 combatants, Mohamed Najim (phon.)."

19 Page 15 lines 22-23

20 "the vision of Iyad has increased, going from driving out the soldiers in the north
21 sector and imposing Islamic law." Is corrected to "we are one degree higher in Iyad's
22 vision of driving out the soldiers in the north sector and imposing Islamic law.

23 Page 24 lines 16-17

24 "Because you can also see there's a note, the attack on Niafunké," Is corrected to

25 "because you can also see the attack on Niafunké,"

1 Page 26 lines 10-14

2 "And there was another locality which was attacked. With regards to the
3 explanation of the attacks, They were concentrated on Tessalit, which ultimately fell
4 under the attacks. And there were new localities such as Wouka (phon) and
5 Ténenkou which were attacked." Is corrected to "And there was another locality,
6 called Terenkou and another, Goma-Coura, which were attacked for the first time. So,
7 in these series of messages, there is the intensification of the attacks, particularly
8 concentrated on Tessalit, which ultimately fell in the hands of the assailants. And
9 there were new localities such as Goma-Coura and Terenkou which were also
10 attacked."

11 Page 27 lines 6-7

12 "The ERN of the first two documents, MLI-OTP-0012-0625." Is corrected to
13 "The ERN of the first document is MLI-OTP-0012-0625 and the last at tab 97 is
14 0012-0649."

15 Page 28 line 1

16 "tab 101." Is corrected to "tab 101, 0012-0656"

17 Page 29 lines 2-3

18 "Please go to tab 89, 0012-0653." Is corrected to "Please can you look closer at
19 document at tab 99, with ERN MLI-OTP-0012-0653."

20 Page 30 lines 5-6

21 "ERN, the first document is MLI-OTP-0012-0933 and for the last document
22 is 0012-072 -- 092." Is corrected to "The ERN for the first document is
23 MLI-OTP-0012-0933 and for the last document, at tab 122, is MLI-OTP-0012-0192."

24 Page 34 lines 6-8

25 "that one can see the military action which is relating to the imposition of Sharia in

1 many cases." Is corrected to "that one can see, grosso modo, that after the phases of
2 military action, we are here in the phase of imposition of Sharia, in several cases."

3 Page 34 line 21 to Page 35 line 1

4 "In another place we were informed that alcohol had been consumed, as had
5 cigarettes, and this had been prohibited and therefore -- sorry, and also the wearing of
6 the veil had become obligatory. These measures were not introduced easily in Gao
7 and Timbuktu. There were women who wanted to discuss -- sorry, who wanted to see
8 the back really of the Islamic police. They wanted them to leave." Is corrected to

9 "In another place further south we were informed that consumption of alcohol and
10 cigarettes had been prohibited and that the wearing of the veil had become obligatory.

11 In other localities, this measure could not necessarily be implemented. I think from
12 memory that it was in Douentza or in Timbuktu. And there, there were
13 demonstrations of women who demanded that the commissaire of the Islamic Police
14 leave."

15 Page 35 line 23 to Page 36 line 1

16 "There is information that Ménaka had been captured by MUJAO after clashes with
17 the MNLA. And then further on there is mention of an intervention at -- or, rather, the
18 creation of a terrorist training centre to the north of the country, specifically in N'Tillit
19 and another place." Is corrected to "There is information that Ménaka had been
20 recaptured by MUJAO after clashes with the MNLA. And then further on there is
21 mention of the creation of terrorist training centres in the north of the country,
22 specifically in N'Tillit and N'Daki."

23 Page 39 lines 21-22

24 "And the sources are messages that were -- or, rather, and the other messages that
25 were received after the daily briefings at the directorate are part of it." Is corrected to

1 "And the others are messages that were written after the daily briefings at the
2 Directorate."
3 Page 44 lines 10-13
4 ""The population of the city is resisting the religious extremists through civil
5 disobedience. And it seems that the possessions of the population are seen as
6 prohibited, or *haram*, such as jewels and other things, this is seen so by Ansar Dine ..."
7 And that the phrase continues." Is corrected to ""The population of the city is silently
8 resisting the occupation by religious extremists through civil disobedience. In
9 addition to disposessing the population of items that are seen as prohibited, or *haram*,
10 such as jewelry, by Ansar Dine ..." And the phrase continues."
11 Page 46 line 18
12 "for analysis and processing" Is corrected to "for cross-checking"