

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 Friday, 16 April 2021
10 (The hearing starts in open session at 2.02 p.m.)
11 THE COURT USHER: [14:02:04] All rise.
12 The International Criminal Court is now in session.
13 Please be seated.
14 PRESIDING JUDGE MINDUA: [14:02:35](Interpretation) The Court is in session.
15 Good afternoon to all.
16 Court officer, please call the case.
17 THE COURT OFFICER: [14:02:45] 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 I also would like to take this opportunity to inform the parties and participants, as
22 well as the service providers, that on the VTC 1 channel you would be able to follow
23 the witness. On the VTC 2 channel you will be able to follow Mr Al Hassan. On
24 evidence 1 channel, you will be able to see Mr Vey. And, finally, on the evidence 2
25 channel, it will be used for the evidence. Thank you.

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1 PRESIDING JUDGE MINDUA: [14:03:33](Interpretation) Thank you very much,
2 court officer.

3 And for the record, we obviously will start with the appearances, beginning with the
4 Prosecutor.

5 Madam Prosecutor, please.

6 MS CORBIN: [14:03:46](Interpretation) Good afternoon, Mr President. Good
7 afternoon, your Honours. The Prosecution is represented today by my colleagues
8 Dianne Luping, Lucio Garcia and myself, Nelly Corbin. Maître Gilles Dutertre
9 cannot be with us today and apologises for that.

10 PRESIDING JUDGE MINDUA: [14:04:06](Interpretation) Thank you very much,
11 Prosecutor.

12 Now over to Defence. Counsel.

13 MS TAYLOR: [14:04:12] Good afternoon, Mr President. Good afternoon, your
14 Honours. And good afternoon to everyone inside and outside the courtroom. I
15 have the honour to introduce to the Bench the following members of the Defence who
16 are appearing from Paris. There's Maître Antoine Vey, Maître Virginie
17 Lemarié-Faure, Maître Marion Lafouge, Maître Damia Taharraoui. And here in The
18 Hague the Defence is represented by Maître Sarah Marinier-Doucet and myself,
19 Melinda Taylor. Thank you.

20 PRESIDING JUDGE MINDUA: [14:04:53](Interpretation) Thank you very much,
21 Ms Taylor. I also want to welcome the Defence team who are attending from Paris.
22 Now, let me turn to the Legal Representatives of Victims.

23 MR KASSONGO: [14:05:05](Interpretation) Thank you, Mr President, your Honours.
24 Good afternoon to everyone. The Legal Representatives team today is made up of
25 Ms Dunet Ludivine Tixier and Ms Claire Laplace, who is my assistant, and I am

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1 Mr Kassongo. Thank you very much.

2 PRESIDING JUDGE MINDUA: [14:05:25](Interpretation) Thank you, Mr Kassongo.

3 Now I turn to the witness. Obviously, this afternoon we are hearing the 29th

4 Prosecution Witness P-0646.

5 Good afternoon, Mr Witness. Can you hear me?

6 WITNESS: MLI-OTP-P-0646

7 (The witness speaks French)

8 (The witness gives evidence via video link)

9 THE WITNESS: [14:05:52](Interpretation) Very clearly. Good afternoon,
10 Mr President.

11 PRESIDING JUDGE MINDUA: [14:05:55](Interpretation) Thank you very much,

12 Mr Witness. On behalf of the Chamber, I want to welcome you. You will be

13 testifying today in a bid to help the Chamber find the truth in the matter of

14 Mr Al Hassan. When it comes to you, the Chamber did not order any special

15 protective measures, so you will be testifying in open session. However, should a
16 specific question come up, we may have to go into private session.

17 Now, let me proceed to your solemn declaration under Rule 66(1) of the Rules of

18 Procedure and Evidence. On the table before you, you definitely have a piece of

19 paper bearing your solemn declaration; is that correct?

20 THE WITNESS: [14:06:57](Interpretation) Yes, that is correct.

21 PRESIDING JUDGE MINDUA: [14:07:01](Interpretation) Thank you very much, Mr

22 Witness. I now invite you to read aloud that statement.

23 THE WITNESS: [14:07:11](Interpretation) Solemn declaration: I declare solemnly

24 that I will speak the truth, the whole truth and nothing but the truth.

25 PRESIDING JUDGE MINDUA: [14:07:28](Interpretation) Thank you very much,

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1 Mr Witness. You are now under oath and the representatives of the section for
2 assistance to victims and witnesses, as well as representatives of the OTP have
3 already explained to you what this means. However, let me provide you with some
4 practical advice. Please bear in mind that throughout your testimony everything
5 that will be said in the courtroom will be transcribed by court reporters and
6 interpreted simultaneously by interpreters into several languages. It is, therefore,
7 important for you to speak clearly and slowly. Please only begin to speak after the
8 person questioning you has ended their question. You may wish to count up to
9 three silently before answering. That three-second pause is essential so that your
10 statement can be properly recorded.

11 And, of course, if you do have any questions, please raise your hand and indicate that
12 you would like to say something.

13 Have you understood me?

14 THE WITNESS: [14:09:16](Interpretation) Yes, well noted.

15 PRESIDING JUDGE MINDUA: [14:09:19](Interpretation) Thank you very much, Mr
16 Witness.

17 This recommendation also applies to the Defence counsel who are outside of the
18 courtroom. Please raise your hand if you want to say something and we will give
19 you the floor.

20 Mr Witness, you will be examined by the Office of the Prosecutor and then thereafter
21 probably by the Legal Representatives of Victims and ultimately by the Defence
22 counsel.

23 Without any further ado, I now give the floor to Madam Prosecutor.

24 Madam Prosecutor, you have the floor.

25 MS CORBIN: [14:10:01] Thank you.

1 QUESTIONED BY MS CORBIN: (Interpretation)

2 Q. [14:10:08] Good afternoon, sir. As you know, my name is Nelly Corbin, and I
3 will be putting questions to you today and next week. Before I start my examination,
4 let me give an overview, a general overview of the topics I would like to deal with
5 with you over the next days.

6 First of all, your professional background, particularly the role you played in 2012
7 and 2013. Second, the functioning of the intelligence services in Mali and the
8 manner in which intelligence was gathered and used. We will look at it from a
9 general perspective to begin with and then focus more specifically on the period
10 2012-2013. Then we will look at the format in which intelligence was gathered.
11 And finally, we will go through the binder that was given to you which contains,
12 apart from your statement, 243 documents which are exactly the same documents
13 which you saw during the preparation session.

14 I will explain to you at that time the manner in which we shall proceed in order to
15 efficiently deal with these documents and give you an opportunity to talk about the
16 format and the content of the documents.

17 Is this clear to you, Mr Witness?

18 A. [14:11:46] Very clear.

19 Q. [14:11:50] Let me, therefore, start by asking you some questions about your
20 identity and your professional background. What are your names, your full names?

21 A. [14:12:10] Keita Boubacar.

22 Q. [14:12:13] What is your date of birth and your place of birth?

23 A. [14:12:20] 21 May 1956, in Kayes in Mali.

24 Q. [14:12:31] What is your nationality?

25 A. [14:12:37] Malian.

- 1 Q. [14:12:41] You are a retired colonel of the Malian army; is that correct?
- 2 A. [14:12:49] Yes.
- 3 Q. [14:12:50] I would now like to go through your professional background with
4 you in as much as it involves your time with the Malian army.
5 When did you join the Malian army?
- 6 A. [14:13:03] In 1975.
- 7 Q. [14:13:07] What training did you receive?
- 8 A. [14:13:11] First of all, I was trained at the *École militaire interarmes*, EMIA, in Kati.
9 I was trained as a military officer at that time.
- 10 Q. [14:13:39] Following your training, where were you posted to or assigned to
11 work, your first assignment?
- 12 A. [14:13:49] After the training, I was posted to the first reconnaissance squadron in
13 Kidal.
- 14 Q. [14:14:07] After your time in Kidal, what positions did you occupy?
- 15 A. [14:14:22] After my duty tour in Kidal, I went on to undertake further training in
16 France at the *École d'application de l'arme blindée* in Saumur.
- 17 Q. [14:14:50] After that, what did you do?
- 18 A. [14:14:56] When I returned to Saumur, I was posted to Koulikoro as director of
19 parallel training. This is the training that was specifically targeting customs and
20 forestry officers who needed to be trained in Mali.
- 21 Q. [14:15:43] Thereafter, what position were you appointed to and in what year?
- 22 A. [14:15:53] Following that training, I was posted to the position of private
23 secretary at the Chief of General Staff's office for the army.
- 24 Q. [14:16:21] Do you remember what year that was?
- 25 A. [14:16:26] It was in 1982, '83.

1 Q. [14:16:39] What did you then do thereafter?

2 A. [14:16:49] Well, after occupying that position, I continued to grow in my career
3 and I became an officer of the army. That position -- while in that position, I
4 undertook further training. In 1985 I went back to France to train as a captain at the
5 *École d'application*, the school in Saumur which I mentioned earlier.

6 When I returned from that training, I took up the position of battalion commander in
7 Gao, that is the armoured battalion.

8 And then from Gao I returned to Bamako where I became head of the intelligence
9 office of the army.

10 From that position I was appointed deputy chief of staff for the army.

11 And from that position as deputy chief, I was appointed, fortunately, to become the
12 director of the state security. Director of military directorate for state security, that
13 was the position. And thereafter, I was appointed deputy aide de camp to the
14 president of the republic.

15 After serving as a deputy, I then returned to the ministry of defence as an officer in
16 the office of military cooperation. From that position I became the deputy director
17 for military security from 1986 to 1992.

18 And then I became the general director for military security from 90 -- rather, 2012
19 to 2016, before being appointed as the *attaché militaire*, or military attaché, of Mali to
20 Paris.

21 It is from that position that I retired, and I am happily retired today since two years.

22 In addition to that military background, I also trained at the war school in China, and
23 then I also took a language course in Canada.

24 That is what I can say so far in relation to my military background.

25 Q. [14:22:13] Thank you very much, Witness. That is quite comprehensive. But

1 let me hop back to some of the dates that you mentioned. You said that at some
2 point you were the deputy director for military security. First of all, are you
3 referring to the DSM, known as *Direction de la sécurité militaire*? Is that what you are
4 referring to?

5 A. [14:22:50] Yes, that is correct, DSM. I was the deputy director.

6 Q. [14:22:59] Now, about the date, in which year did you occupy that position?

7 A. [14:23:07] From 2008 to 2012.

8 Q. [14:23:17] Thank you. Just to clarify matters on the dates, you said that you
9 subsequently became director of the DSM. Could you please repeat the dates you
10 referred to, just for clarity?

11 A. [14:23:40] I was appointed director in March 2012, to be specific, 2012. And
12 I was in that position till 2016.

13 Q. [14:23:58] Thank you. In very broad strokes, what is the role of the DSM?

14 A. [14:24:13] The DSM, *Direction de la sécurité militaire*, is one of the major
15 directorates which is available to the ministry -- to the minister of defence in the
16 discharge of his duties. *And the DSM is specifically tasked with providing
17 intelligence to the Minister of Defense, to the military commanders in the field, and
18 with providing information about the enemy in order to ensure the security and
19 protection of the troops. That's roughly the mission of the DSM.

20 Q. [14:25:39] And as deputy director and director of the DSM, what were your
21 responsibilities between 2008 and 2016?

22 A. [14:25:55] Between these two dates as firstly deputy, my role was to coordinate
23 all the research operations of the DSM on a day-to-day basis and to make proposals
24 for the -- put these to the director of military security.

25 I was responsible for managing the directorate in terms of security, and I also

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1 replaced the director when the director was absent.

2 As director, my role was to make available all the personnel and equipment necessary
3 to carry out these tasks effectively. In other words, gathering information about the
4 enemy with a view to ensuring the protection of our soldiers. I think we're going to
5 go into details later, but I'm talking here about human -- our human resources and
6 also our technical equipment. That's it, I think.

7 Q. [14:28:20] Thank you very much.

8 You said that the DSM was working to the minister of defence. Is that -- does it
9 actually depend on the Ministry of defence?

10 A. [14:28:45] Yes, yes, it's directly part of the ministry of defence.

11 Q. [14:29:03] You talked about intelligence gathering. Was there, for example, an
12 annual plan for intelligence gathering over the course of a year within the DSM, if you
13 know?

14 A. [14:29:31] Every year within the DSM we would draw up what we called the
15 intelligence research plan, the PRR. It was our role to assess the various potential
16 threats that might exist and that our -- in terms of our troops and to orient our actions
17 in a way that would allow us when the time came to identify the various threats.
18 This intelligence plan was a yearly plan. Threats evolve and threats change from
19 year to year, therefore, we had this annual plan.

20 So the schedule for intelligence gathering within the DSM was based on this plan
21 which had been drawn up and which was basically a road map for the directorate.
22 This plan could of course change over the course of the year because, as I explained,
23 threats can be very volatile.

24 Q. [14:31:38] Who was in charge of this planning?

25 A. [14:31:52] That was the task of the director himself to carry out this planning.

1 Obviously he did this with his -- with the various leaders within the division,
2 the -- and the deputy director.

3 Q. [14:32:23] Thank you very much. I would now like to ask questions to allow us
4 to understand how this intelligence is gathered, how it's transmitted and how it's
5 processed. I'd like to do this in general lines, first of all, to discuss what happened in
6 your country. Who was in charge of intelligence gathering in the field?

7 A. [14:33:02] When you set up the plan, you also set up a schedule for intelligence
8 gathering. This goes from the field to the directorate and, as I was saying earlier, the
9 task was to seek out the intelligence that would allow us to protect our troops in the
10 field. So it was organised in a way that ensured that within each unit in the field
11 there was what we call a source element for this intelligence. This element is
12 included in a unit in the field and would be responsible for gathering information
13 about the threat, the threat that might exist against that particular unit, and to inform
14 both the unit commander in which this source, this agent, is placed, and the DSM, the
15 directorate of military security.

16 This was also in a unit which was part of a larger unit. *And as I explained, in all
17 these units, our mission was to have our elements within them to carry out the same
18 sort of work, priority being given to the military commanders in the fields who could
19 deal rapidly with the intelligence gathered. But at the same time as the intelligence
20 was given to the commanders in the field, at the same time it was also communicated
21 to the DSM, to the directorate. This is work that was carried out on a daily basis and,
22 at the directorate level, there was a gathering together of all this intelligence provided
23 on a daily basis and information was communicated to the minister of defence. It's
24 an intelligence-gathering chain. In that way, if we have 50 units in the field or a
25 hundred units in the field, we had the task of getting the information from all these

1 units, all these troops, wherever they are. And that perhaps gives you an idea of the
2 amount of work that was involved for the DSM every day, so the plan and the
3 implementation of the plan in the field. That's my -- the end of my description.

4 Q. [14:38:00] Thank you for this information. I'd like to come back to your sources.
5 Were these specifically -- were these agents specifically responsible for intelligence or
6 were they just part of the unit?

7 A. [14:38:27] These sources, these agents belong to the DSM, they were soldiers
8 from the DSM who had been specially trained for this role and then sent to join the
9 units in their work.

10 Q. [14:39:10] What type of training do they receive?

11 A. [14:39:25] They have training, the sort of training for an intelligence agent. In
12 other words, in the army when you recruit soldiers, there are various roles to which
13 these soldiers can be allocated. There is the basic training and, after that, a soldier
14 could be trained as a gunner or a loader or a -- other, including intelligence. So it
15 was a question of training these agents, who would have a certain flair, a certain
16 intelligence of their own, a certain behaviour which would fit well with the role of
17 intelligence-gathering behaviour in the unit, behaviour in the environment in which
18 they are being asked to live.

19 That's it. So this is a specific training which they are given for the role they are
20 expected to carry out in the field.

21 PRESIDING JUDGE MINDUA: [14:41:18](Interpretation) Madam Prosecutor, for
22 reasons which have been explained, we need to stop every 40 minutes for a 10-minute
23 break. So we are going to adjourn the hearing for 10 minutes.

24 We will return in 10 minutes.

25 (Recess taken at 2.41 p.m.)

1 (Upon resuming in open session at 2.51 p.m.)

2 THE COURT USHER: [14:51:14] All rise.

3 Please be seated.

4 PRESIDING JUDGE MINDUA: [14:51:43](Interpretation) Court is in session.

5 The Prosecutor has the floor to continue examination-in-chief. Madam Prosecutor.

6 MS CORBIN: [14:51:54](Interpretation) Thank you, Mr President.

7 Q. [14:51:59] Mr Witness, what is the composition of the sources we have been
8 talking about, the *capteurs*, from an ethnic angle?

9 A. [14:52:16] The Malian army is a national army and in its recruitments, the
10 recruitments are done nationally or nationwide, meaning, therefore, that recruitments
11 into the army do not necessarily follow a specific pattern whereby quotas are affected
12 or assigned to various communities. Recruitment is done in a general manner.
13 When it comes to intelligence, it is quite a specific mission, and, in that context, we
14 attempt to ensure that the mission is successful by dispatching these sources or agents
15 or *capteurs* to those areas where it will be least unlikely for them to be unmasked or
16 detected. These *capteurs* are also posted, mindful of the environment in which they
17 are going to work. The *capteurs* are assigned also based on their knowledge of the
18 environment in which they work.

19 This is very important for us because for the *capteurs* to be successful in their mission,
20 that also factors into the success of the mission of the directorate. Anyone who
21 knows a little bit about Mali as a nation would know that in the north of the country,
22 our population, even if it's within the same nation, our population in the north does
23 not have the same traits as other members of the population in the south. So we take
24 all of that into account when assigning or orientating our *capteurs* or agents.

25 Now to be very specific or to speak quite concretely on this point, let me say that we

1 ensure that those whom we dispatch to the north to work as *capteurs*, to some extent
2 should be people hailing from the north for the obvious reasons that I have referred to
3 a short while ago.

4 Now, when you are involved in research and intelligence, one of the basic principles
5 governing this area is discretion. If you are in intelligence and everybody knows
6 that you are in intelligence, then your mission is compromised at least to about
7 60 per cent.

8 Therefore, it is not recommended to send an agent to an environment where the
9 people have a certain lifestyle, which is very different from the lifestyle of the *capteurs*
10 because immediately the people would realise that the -- that individual is not one of
11 theirs.

12 You see, quite often intelligence is gathered from the people themselves, from the
13 population, so once a *capteur* has those characteristics, the population immediately
14 becomes wary or cautious. That is why we try to send these *capteurs* to the zones
15 where, for example, there are - and, I don't like this expression - white people. We
16 send people from the same region, and this principle, which is valid for the north,
17 also applies to the south.

18 To be specific, if I were to send an agent to a unit in the south of our country, I would
19 be careful not to send a young soldier from the north, given that this skin colour
20 barrier might come into play.

21 And there is another important factor, which is language. That is why as a national
22 army, all communities of the nation are represented within the army. For the
23 purposes of efficiency in the discharge of our mission, we must be mindful of whom
24 we send where in order to ensure that our missions are successful. That is it.

25 Q. [14:59:59] Thank you. What resources are available to the agents or *capteurs* for

1 gathering intelligence?

2 A. [15:00:14] The *capteurs* actually engage in human intelligence. Human
3 intelligence. They try to identify threats through information that they may glean
4 from the population. That is why I insist that it is important for the *capteurs*, who are
5 natives of a particular zone, to be sent to those zones or areas in order to make contact
6 with the people easier, thereby breaking the language barrier, for example. And you
7 see, the information that the sources gather is then transmitted to the directorate by
8 telephone. That's it.

9 Q. [15:01:52] Within the population, what types of contacts do they have with the
10 *capteurs*?

11 A. [15:02:14] As I have already stated, where the human resources available make it
12 possible for various natives of a particular area to be dispatched to the combat areas,
13 first of all, they do find themselves in a familiar environment where they know
14 themselves. They know each other, and, within the population itself, generally
15 speaking, we also have elements who are interested in the life of the nation, people
16 who may have served in the army and who are retired and are now resident in their
17 areas, and who are also very aware of the importance of intelligence. These people
18 can contact the sources, agents, and provide them with information.

19 The people I'm referring to are retired soldiers, retired policemen, retired state
20 employees or simply even the civilian population at large, which, I must say, quite
21 often seeks to preempt any possible danger that might befall them, and, in so doing,
22 could facilitate the work of the *capteur*.

23 You see, everybody understands that where there is a threat on troops and units, the
24 civilian population is also necessarily under threat as well. That is why in all those
25 environments, the *capteur* working for us enables in that context to gather as much

1 information as possible on threats on the zone or the area. Yes.

2 Q. [15:05:12] Thank you. Were there any criteria for selecting these persons
3 within the population?

4 A. [15:05:37] I talked about training of the *capteurs* at the beginning and all of this is
5 part of that training. We try as much as possible to, to find persons who may have
6 some measure of trust in the armed forces and who, therefore, have it at heart to
7 provide good intelligence.

8 I was saying, for example, that those who may have previously served in the army or
9 in other state institutions are assumed to be persons who have somewhat of an idea of
10 what the nation is while they were -- who had somewhat of an idea of what the nation
11 is while they were in service. So when it comes to saving or salvaging the nation,
12 although such persons might be retired, we do have a host of examples of persons
13 who offer their services in that regard.

14 So *capteurs* are trained along those lines and they, therefore, seek out these types of
15 members of the population in their efforts so that at their specific levels, they can have
16 a small network of intelligence gathering involving devoted members of the
17 population, such as former senior civil servants who are mindful of the fact that their
18 work may end up saving the nation. And that is how our recruitments are done
19 from that kind of a nursery.

20 Q. [15:08:23] Thank you. You said a short while ago that the *capteur* sends the
21 information first to the unit leader on the ground. At what point in time does the
22 *capteur* forward that information to the unit leader on the ground?

23 A. [15:08:54] Well, in our jargon, it is said that intelligence is eaten while it is still
24 hot. So the intelligence must be forwarded immediately as soon as it becomes
25 available. The *capteur* is bound to transmit the information to the unit head on the

1 ground immediately. The speed at which intelligence is transmitted might actually
2 save the life of a unit. Therefore, we make sure that the intelligence is reliable, and
3 once that reliability has been established, there is no reason why the intelligence
4 should continue to be withheld.

5 So a short answer to your question is that as soon as the *capteur* becomes aware of any
6 intelligence, he or she transmits it immediately.

7 Q. [15:10:15] Thank you. A short while ago you also explained that the
8 intelligence was further transmitted to the directorate of military security. At what
9 point in time does the *capteur* send the intelligence to the *Direction de la sécurité*
10 *militaire*, that is, the directorate of military security?

11 A. [15:10:47] Practically at the same time that the intelligence is provided to the
12 unit head on the ground, that same intelligence is transmitted to the directorate of
13 military security. The chief on the ground then is able to immediately take whatever
14 measures are necessary to address the threat. Then, the directorate of military
15 security, which receives the intelligence, then also processes it or uses it within the
16 directorate by analysing it and then determining what the scope of such intelligence
17 may be. It might be of a much larger impact or scope because the directorate is in a
18 position where it centralises all the intelligence from all the *capteurs*. Thus, it is
19 important that there is this cross-checking carried out so that if some of the
20 intelligence from the various sources is -- once it's at the level of the directorate, it
21 allows the directorate to have a wider view of the threat. This is something that a
22 single source cannot see.

23 So it's very important that the source transmit the intelligence as quickly as possible
24 to the unit commander in the field, in the -- the commander of the unit to which he's
25 attached and also to the director in Bamako.

1 Q. [15:13:40] *And to be precise, who is his director in Bamako, his direct
2 supervisor, of the capteur?

3 A. [15:13:57] The directorate is composed on various divisions and there is one
4 division, the operations division, which is in charge of all the sources, the agents.
5 The director of military security is the person in overall charge of military intelligence.
6 He has a deputy director. And then there are these divisions which deal with
7 organising the day-to-day life of the directorate, and there are a number of divisions,
8 and there is one in particular which deals with the agents in the field and that's the
9 operations division. So they are working to the operations division.

10 Q. [15:15:26] I'd like to go through this process step by step. So my next question
11 is as follows, what does the head of the operations division do with the information
12 that he receives?

13 A. [15:15:53] So the agents send all the information to the director, who prepares a
14 *synthesis for the minister. *And this all goes through the head of the operations
15 division because it is he who carries out this work for the director. All the capteurs are
16 under the responsibility of this head of division. All the information is sent at the
17 same time to the unit commanders and the head of the division. So all the agents in
18 the field send the information gathered to the head of the division. So it -- the
19 information enters the DSM via this particular division. And the director himself is
20 not in direct contact with the sources, with the agents. So.

21 Q. [15:17:43] *And are there some sort of triage of the information received at the
22 level of the head of the operations division?

23 A. [15:17:58] There is a process which is carried out every day, every day. *At
24 management level there is a daily briefing. And the head of the operations
25 division meets with the other heads of division every morning to produce an

1 overview or to discuss all the information received the previous day. That's the
2 advantage of having all the staff of the DSM having -- to have -- all of them having
3 access to the same information at the same level. *Second, this enables, within this
4 briefing, to carry out a triage of the information received. Depending on their
5 knowledge of the threat and the field, the environment, the heads of division can then
6 judge how important a particular item of information is, information that has been
7 transmitted by a source. So after a discussion about the information, all the
8 information provided by the sources, a summary is prepared for the information
9 received about the whole country each day, and it is this summary or synthesis which
10 is communicated to the director general of the directorate via, of course, the deputy
11 director. So there is this initial triage carried out by means of the daily briefings for
12 the heads of division.

13 Q. [15:21:37] Who chaired these daily briefing sessions?

14 A. [15:21:50] These daily briefing sessions, in most cases, were chaired by the
15 deputy director of the DSM.

16 Q. [15:22:14] Did you yourself attend these daily briefings?

17 A. [15:22:25] Yes. As director, I would often judge the importance of information
18 received, and so I could decide myself whether I should chair a particular briefing
19 session. In other words, there are times where the circumstances demand that it be
20 the director who chairs the briefing session. And it's often the case that this is at the
21 initiative of the director. It's a command decision.

22 Q. [15:23:51] So how did you, as part of these briefing sessions, establish the
23 credibility of the intelligence received?

24 A. [15:24:19] As head of an intelligence service, there is no reason, no reason at all
25 to not have confidence in the agents who have been trained for this work, who are

1 paid every month by the Malian state to carry out these tasks.
2 So really, this good faith allows us to know that our agents are sending us reliable,
3 credible information. We received information. We also know that there may be
4 information received from the population which is perhaps not *credible. But our
5 trust in our own capteurs means that we have to believe - both us and our capteurs -
6 that it is, on the face of it, credible information, but that, human nature being what it
7 is, it is not impossible that in some cases some less reliable or not credible information
8 reaches our capteurs. This is why we -- I said earlier that at briefing level
9 we carry out this, this triage, meaning that we do our very best to ensure that the
10 information sent to the minister is credible information. Obviously, intelligence is
11 not an exact science. Therefore, it is not impossible that it may sometimes be
12 otherwise.

13 Q. [15:27:52] Thank you. You said that the head of operations division would
14 attend these briefings together with the other heads of division. Did they also bring
15 intelligence to the daily briefing sessions or not?

16 A. [15:28:22] Within the directorate of military security, we would say that
17 everybody should consider themselves to be an intelligence agent, so whatever role
18 they played, whatever functions they had, and whatever their position in the military
19 hierarchy. Therefore, if you work for the DSM, you are an intelligence agent. And
20 *these heads of division have at their service men with the same
21 intelligence-gathering mission, whether these people be in Bamako, whether they be
22 out in the field, because I said that most of the information comes from
23 the population.

24 I myself am not from Bamako. I'm from a different region. So it's easier for me to
25 get information from my area, perhaps more easily than the people I send there. So

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1 this goes along with the idea that I said that we have a national army, but this is
2 something we take account of when assigning our agents to perform their tasks.

3 THE INTERPRETER: [15:31:04] The Judge has not got his microphone on.

4 PRESIDING JUDGE MINDUA: [15:31:06](Interpretation) Mr Witness, thank you
5 very much for your testimony, but for the Ramadan period we need to stop work at
6 15.30, and this is also corresponds with the 40-minute period we referred to earlier.

7 We are, therefore, going to close our hearing for today.

8 Once again, Mr Witness, I would like to thank you on behalf of the Chamber for
9 replying to the questions that have been put to you. As you know, this is not the end
10 of your testimony. We -- you will continue with us on Monday. But as -- if I've
11 understood correctly, you have some other appointment on Monday morning, so we
12 will only be able to start at 13.30. And this information will be communicated by the
13 Registry to all who need to be aware of the information.

14 So we will start again on Monday, 19 April at 13.30. I see that Madam Prosecutor is
15 nodding.

16 As always, I would like to thank the parties and the participants for their exemplary
17 cooperation in this hearing. I would like to thank the court reporters and the
18 interpreters for their work. And let us not forget the security officers. And finally,
19 I would also like to thank those who are following us from the gallery and also online.
20 I wish everybody an excellent weekend. Take good care of yourselves.

21 The hearing is now adjourned.

22 THE COURT USHER: [15:33:28] All rise.

23 (The hearing ends in open session at 3.33 p.m.)

24 CORRECTIONS REPORT

25 The following corrections, marked with an asterisk and included in the audio-visual

1 recording of the hearing, are brought into the transcript.

2 Page 8 lines 16-19

3 "(No interpretation) giving more information about the enemy and to ensure the
4 security and protection of the troops." Is corrected to "And the DSM is specifically
5 tasked with providing intelligence to the Minister of Defense, to the military
6 commanders in the field, and with providing information about the enemy in order to
7 ensure the security and protection of the troops."

8 Page 10 lines 16-18

9 "And as I explained, in all this -- all these units, we had our elements who would
10 carry out the same sort of work. Priority was given to the military commanders in the
11 fields who" Is corrected to "And as I explained, in all these units, our mission was to
12 have our elements within them to carry out the same sort of work, priority being
13 given to the military commanders in the fields"

14 Page 17 lines 1-2

15 "Who is the hierarchical -- who is the next line up from the source, the one you
16 referred to in Bamako?" Is corrected to "And to be precise, who is his director in
17 Bamako, his direct supervisor, of the capteur?"

18 Page 17 line 14

19 "synthesis for the director (sic)" Is corrected to "synthesis for the minister"

20 Page 17 line 14-16

21 "And this all goes through the operations division because this is the work carried
22 out on behalf of the director. All the agents are -- work for this division." Is corrected
23 to "And this all goes through the head of the operations division because it is he who
24 carries out this work for the director. All the capteurs are under the responsibility of
25 this head of division."

1 Page 17 lines 21-22

2 "And is there some sort of triage of the information received carried out in the
3 operations division?" Is corrected to "And are there some sort of triage of the
4 information received at the level of the head of the operations division?"

5 Page 17 lines 23-24

6 "Within the directorate, that's a daily task, a daily briefing." Is corrected to "At
7 management level there is a daily briefing."

8 Page 18 lines 3-4

9 "So within this briefing there is a triage of the information received." Is corrected to
10 "Second, this enables, within this briefing, to carry out a triage of the information
11 received."

12 Page 19 lines 4-8

13 "...credible, but our trust in our own sources, our own agents means that we have to
14 accept that it is credible information we're receiving from these sources. But,
15 obviously, human nature being what it is, it is not impossible that in some cases some
16 less reliable or not credible information reaches our agents." Is corrected to
17 "...credible. But our trust in our own capteurs means that we have to believe - both
18 us and our capteurs - that it is, on the face of it, credible information, but that, human
19 nature being what it is, it is not impossible that in some cases some less reliable or not
20 credible information reaches our capteurs."

21 Page 19 line 20

22 "the head of division also have the same people -- sort of people available to them" Is
23 corrected to "these heads of division have at their service men"