

UNITED STATES MARINE CORPS

MULTI-NATIONAL FORCE-MEST CAMD FALLUJAH, IRAQ UNIT 73030 PPO AÈ 00509-3920

DI REPORT REFER TO:
5830
SUA
JUN 2 1 2005

FIRST ENDORSEMENT on

AR 15-6 Inv of 5 June 05

From:

, Multi-National Force-West

To:

Multi-National Corps-Iraq (ATTN SJA)

Subj: RESULTS OF INFORMAL AR 15-6 INVESTIGATION CONCERNING THE DEATH OF IRAQI NATIONAL ON 19 MAY 2005

1. Forwarded, concurring with the report as approved by the Commander, 155th Brigade Combat Team. I have reviewed the escalation of force and specifically concur that the force used in this situation was reasonable. I used multiple warnings before he engaged what he considered to be an unoccupied potential vehicle borne improvised explosive device parked just off ASR Christy.

Copy to: 155th BCT (endo only) IO (endo only) Files



DEPARTMENT OF THE ARMY 155TH BRIGADE COMBAT TEAM FOB KALSU, IRAQ APO AE 09325

155-BCT-CDR

22 May 2005

MEMORANDUM FOR

, HHC, 1-198 AR, FOB Kalsu, Iraq

SUBJECT: Appointment of AR 15-6 Investigating Officer

- 1. You are appointed as an investigating officer to conduct an investigation into all the facts and circumstances surrounding the death of an Iraqi National on 19 May 2005. A copy of the Spot Report is attached. You will conduct the investigation IAW AR 15-6.
- 2. Your duties as an investigating officer will take priority over other duties. You will use the informal investigation procedures detailed in AR 15-6, chapter 4. You will make specific finding of facts that are supported directly supported by the documented evidence or reasonably based upon circumstantial evidence. Based upon all factual findings and conclusions, you will make recommendations on all relevant issues you identify in the course of your investigation.
- 3. If, during your investigation, you suspect that persons you intend to interview may have violated any provision of the Uniform Code of Military Justice (UCMJ) or any other criminal law, you must advise them of their rights under Article 31, UCMJ. Rights warnings and waivers will be documented on DA Form 3881. If during an interview you begin to suspect criminal conduct on the part of the witness, you must stop the interview and advise the individual of his or her rights under Article 31, UCMJ.
- 4. Whenever possible, witness statements will be sworn and recorded on DA Form 2823. If you conduct any witness interviews telephonically, you will prepare a memorandum for record memorializing the interview. Prepare your report using DA Form 1574. Include with your report all documentary evidence, sworn statements, and other information or evidence you considered as a basis for your findings and recommendations. Submit the original report through command channels to \$\frac{155^{th}}{155^{th}}\$ Command that the properties of this memorandum. Any request for extension must be submitted in writing or by e-mail through your legal advisor to the SJA for approval.
- 5. Before proceeding with the investigation, contact , 155th BCT OSJA. , 155th BCT OSJA. , 155th BCT OSJA.

Encl

j, USA Commanding Journal Entry

155 BCT Command Journal Back | Print

Unit: 155 BCT	Event DTG 05/19/2005			Entry 19030	DTG: 1DMAY0	5		ite DTG: 101DMAY0
Subject: 2-11 A	CR ESCALATION O	F FORCE 1	LN INJU	JRED/UPD	ATE	e of Charles 14 - Profile Management - Languagement replaces to	n, tradit 1997 (April 20 April	and for a common of the first common community of the first common
The patrol with th	_}19 0303D-Update: ne recovery assets a	At 190330 2 e now enrou	2/11 AC ute back	R recovere to FOB Ka	d the vehi	icle and dr	opped it c	off at the To
The truck is parker shot then fired a struck and found a with a nine line mut it has two flat	2-19 0301D-At 1900- 2-11 ACR was at CF ed on the side of the shot at the engine blant in individual lying in the dedevac stating the p tires. 2/11 ACR reco	road, they b cck. No one he back of the erson was in	ved nort elieved came o he vehic n urgent	h to CP 81 that some ut of the tru le shot rep condition.	came upone was houck so the peatedly in IP'S on si	on a blue a iding insid y engaged the legs. te and wa	and red do le. The pa d the truck The patro nt to take	ump truck trol initially c. The patrol contacted the vehicle
MEDEVACED to Op / AO: AO Biloxi	86 CSH.MTF. Vicinity FOB K				oords: B473307		Con No	tact:
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DEPARTMENT OF THE ARMY 155TH BRIGADE COMBAT TEAM FOB KALSU, IRAQ APO AE 09325

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MEMORANDUM FOR

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- 5. Before proceeding with the investigation, contact \, 155th BCT OSJA. (
 | will serve as your legal advisor for this investigation and will provide you with an initial briefing.

Encl

USA Commanding



155TH BRIGADE COMBAT TEAM STAFF JUDGE ADVOCATE FOB KALSU, IRAQ APO AE 09325-HQ

155-BCT-SJA

05 June 2005

Commanded
MEMORANDUM FOR , 155th BCT

SUBJECT: Legal Review of 15-6 Investigating Officer (an Iraqi Civilian 19 May 2005

Report on the Death of

- 1. Reference Report of Proceedings and accompanying documents, dated 05 June 2005.
- 2. Purpose. Under AR 15-6 sec 2-3b, a legal review of an investigative report is appropriate to determine whether, among other things, sufficient evidence supports the findings and whether the recommendations are consistent with the findings.
- 3. Conclusion. The investigating officer has complied with the duties assigned in the appointment order, and made findings and recommendations consistent with the sworn statements. The report is legally sufficient.

, JA Staff Judge Advocate

RE	PORT OF PROC	CEEDINGS BY IN For use of this form, se				FFICERS			
IF MO.	PRE SPACE IS REQUI					TONAL SHEETS		· ·	
<u> </u>			TION I - APPO		<i>a, a</i> 11	VIVAL DATELLA			
Appointed by									
Appointed by			(Appo	inting authority)					
			1-3-4	this union on,		-			
						-			
on 26 May 2005	(Attach inclosu	ire 1: Letter of appoint	tment or summ	ary of oral appoints	ment data.) (See par	a 3-15, AR 15-6.)			
(Date)	•	•				•			
		SEC	CTION II - SE	SSIONS					
The (investigation) (board) con	mmenced at FOB	KALSU		٠.		at	0900		
4 % 2005	77 7 11.	_	(Place,		-		Time)		
on 4 June 2005	(If a formal voa	ard met for more than configuration of absences	one session, ch	heck here . 1	Indicate in an inclosu	ire the time each se	ssion bego	an anc	d
ended, the place, (Date) present: (After each name, indi	nt and absent, und exp Sente canacity, e.g., I	planation of ausences, Provident Recorder, N	, if any.) 1115. Sombor Legal	following persons	(members, responder	nts, counsel) were			
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Not Applicable	S, responding	Bij Weie account	:шае оны,	lanauon oj emon	sence.) (see paras 2	-2 and 3-60, AL 13	-6.)		

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- Affinant (hogy	" 11 1 with anims	11 at		75.0					
The (investigating officer) (board	d) finished gatnering	/hearing evidence at		1630 (Time)	on _	5 June			
and completed findings and recor	mmendations at		1100	(11mc)	on	Da (Da)	ate) 5		
and complete and	.IHIIOIIOGGGGGG		(Time)		Oli	5 June 2005 (Date)			-
		SECTION III - C'		OR PROCEEDINGS	-				
A. COMPLETE IN ALL CA		OLV.IIV.	1EUNLS.	K PROOFFEE			YES 1	NOŢ	IINA2
Inclosures (para 3-15, AR 15-	5-6)	-	•	** <u>- ***</u>		,			
Are the following inclosed and			erals: (Attach	ed in order listed)		·			
a. The letter of appointment of							0	0	
b. Copy of notice to responderc. Other correspondence with					-		<u>JÕ</u> T,	<u>Q</u> '	0
 c. Other correspondence with d. All other written communic 							<u>JÖ</u> l	<u>Q</u>	O T
e. Privacy Act Statements (Co	· · · · · · · · · · · · · · · · · · ·							Q	K
f. Explanation by the investigation			" difficulties,	irregularities, or of	ther problems		19 	$\mathcal{O}_{\mathcal{O}}$	
encountered (e.g., absence	e of material witnesses,	25)?	•	dicguaries,	ЛСГ ргоотель		101	0 1	•
g. Information as to sessions o	of a formal board not i	included on page 1 of					101	$\overline{\bigcirc}$	0
h. Any other significant papers			strative aspects	s of the investigatio	n or board?		181	ŏ	1
	ive answers on an attache		- Survey of Swage	the standard				<u> </u>	
£2 = 2-71 to 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	лит сопъщина в разлечи.	e representation that the	, CIFCUMSWINES W	escribed in the question	ion did not occur in this	investigation			

14	Exhibits (para 3-16, AR 15-6)	YES	NO1/	NA ²
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	•	0	0
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?		<u> </u>	\cap
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	0	Ŏ	Ŏ
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	10	0	•
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?	tā	0	0
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	0	0	OO
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?	0	0	OO
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?	10		(a)
В			\mathbf{Y}	\vee
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?	181	\times	
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?	121	\times	
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?	$+$ $\times+$	\simeq	\sim
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe	14	\mathcal{Q}_{\parallel}	2
	now they familiarized themselves with that evidence (para 5-2d, AR 15-6)?		0	0,
	COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)			
9	Notice to respondents (para 5-5, AR 15-6):			
l	a. Is the method and date of delivery to the respondent indicated on each letter of notification?	0	\circ	
İ	b. Was the date of delivery at least five working days prior to the first session of the board?	0	\overline{O}	
	c. Does each letter of notification indicate —	Ō	Õ	
l	(1) the date, hour, and place of the first session of the board concerning that respondent?	Ō	Ŏ	
	(2) the matter to be investigated, including specific allegations against the respondent, if any?	Ŏ	Ŏ	
	(3) the respondent's rights with regard to counsel?	Ŏ	Ŏ.	
ŀ	(4) the name and address of each witness expected to be called by the recorder?	181	$\overset{\sim}{\cap}$	
	(5) the respondent's rights to be present, present evidence, and call witnesses?	1×1	\preceq	
	d. Was the respondent provided a copy of all unclassified documents in the case file?	$\vdash \bowtie \vdash$	\asymp	7. n =
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?	+	Xt	$\overline{}$
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):	\sim	\mathbf{Y}	\vee
	a. Was he properly notified (para 5-5, AR 15-6)?	\bigcirc \Box	$\overline{\Box}$	$\overline{}$
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?	$+ \times +$	\bowtie	\times \Box
11	Counsel (para 5-6, AR 15-6):	\cup	\cup	\cup
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:	O_{\parallel}	Q I	
•	The same sections and the same section of the same section sec			
	(If counsel is a lawyer, check here	e se ten e i		
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
			O_{-}	\bigcirc
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?	0	0	0
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?		\cap	
	b. Did each member successfully challenged cease to participate in the proceedings?	X	$\times +$	\bowtie
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			\subseteq
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?		$\overline{}$	
	b. Examine and object to the introduction of real and documentary evidence, including written statements?	$+\times+$	$\times \mathbb{I}$	
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?	 	$\mathbf{X}^{\mathbf{I}}$	\bowtie
	d. Call witnesses and otherwise introduce evidence?	121	\mathbf{y}	\cup
	e. Testify as a witness?	121	\mathcal{L}	فضيميت
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?	<u> Q </u>	<u>၂</u>	
-		O	\bigcirc	
	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?	0	0	\circ
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?	0	0 1	0
FO	OTNOTES: 1 Explain all negative answers on an attached sheet. 2 Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation			

SECTION IV - FINDINGS (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

At approximetly 0145, 19 may 2005, 3/A/2-11ACR encountered a dump truck parked on the side of the road along route Christy, vicinity grid MB 473307. The patrol, Led by \$\frac{1}{2}\$, stopped 200 meters behind the vehicle, and attempted to pursuade any occupant to dismount and make their presence known by the following means:

1. Spotlights shined at the vehicle

2. Warning shots to the right rear of the vehicle 3. Shots fired into the right rear of the vehicle.

4. Shouts in arebic directing any occupant to dismount.

The patrol then split and bypassed the vehicle and repeated the same steps from the front of the vehicle. No response was given by the occupant. At that time, a gave the command to fire into the grill of the vehicle. The occupant of the vehicle, a local national male aged 22 years old by the name of Ali Salem Gaber, screamed out in pain. He was shot in both legs. First aid was rendered and a medevac was called. The Mr. Gaber later died of his wounds.

After reading the initial statements collected at the time of the incident, I had the following concearns:

1. Were the Rules of engagement followed?

2. Were the Rules of Engagement clear?

3. Had aduqete warning been given to the occupant of the vehicle?

4. What made the vehicle suspecious?

5. Did the troops involved in the incident have the equipment necessary to carry out the mission?

6. Was adequete, timely medical attention given to the local national?

Answers to the above questions follow:

1. The Rules of Engagement were followed.

2. Yes, they only concearn I have was at the time, a portion of them were verbal. But now they are written.

3. Yes, very clear.

4. Yes, the vehicle was in a place were there had been numerous VBIED and / or IEDs. It was also past curfew.

5. No, they did not have a bullhorn at the time and the stand off distance of two hundred meters is a considerable distance to expect an occupent of a vehicle to hear a verbal warning. Since then, Bull horns have been issued to the troops.

6. Yes, adequete timely medical attention was given to the local national.

SECTION V - RECOMMENDATIONS (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

I find no wrongdoing on the part of the platoon or their command involved in this incident. I reccomend no punitive actions against any member of the parties involved.

		SECTION VI -	AUTHENTICAT	ION (para	3-17, AR 15	-6)		~
THIS REPORT OF PROCE	EDINGS IS COMP	LETE AND ACC	CURATE. (If)	any voting	member or	the recorder fails to	cian here or in Section	~ VII
below, indicate the reason in	n the space where hi	s signature shou	ld appear.)	"5 L	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	The Total act yarrange	sign nere or in becau	mrn
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		SECTION VII - I						<u> </u>
To the extent indicated in Inc	closure	the undersion	ned do(es) not co	oncur in the	e findings o	and recommendation	s of the board.	
In the inclosure, identify by reasons for disagreement. Ad	number each finaing	z ana/or recomm	tendation in whi	ich the dicce	ontina momb	horis dolos) not an-	cur. State the	
			COHMINGRAGIA	may be in	жией т т	e inciosure. j	<u>.</u> ***	
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	(Member)			 :-		(Member)		
	OF CTION					·		
The findings and recommend	otions of the limest	VIII - ACTION E	3Y APPOINTING	AUTHOR	TY (para 2-	3, AR 15-6)		
The findings and recommends abstitutions). (If the appoint	ing aumorny returns .	ine proceedings	to the investion	atina officer	r or board fo	(approved with fotte or further proceedin	owing exceptions/	
corrective action, attach that	correspondence (or	a summary, if or	ral) as a numbe	red inclosui	re.)	n jaimer proceeding	38 OF	٠
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155 BCT Command Journal Back Print

Unit: 155 BCT	Event DTG: 05/19/20050	0047	Entry [19030	OTG: 1DMAY05			te DTG: 01DMAY0
Subject: 2-11 ACR	ESCALATION OF	FORCE 1 LN I	NJURED/UPD/	ATE	E although the growing	vice mvini a saviani	
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3km's away, 3/A/2-1 The truck is parked shot then fired a shot truck and found an iwith a nine line med but it has two flat tire	on the side of the rot at the engine blo ndividual lying in the evac stating the pees. 2/11 ACR recover	84 and moved to ad, they believed. No one came back of the verson was in urg	north to CP 81 ved that someo ne out of the tru ehicle shot rep gent condition.	came upone was hing in the cate of the cat	on a blue a iding inside y engaged i the legs. ⁻ te and war	ind red due. The pa the truck The patro nt to take	ump truck I trol initially t. The patro I contacted the vehicle
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Op / AO: AO Biloxi	Vicinity FOB K			B473307		No	tact:
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Exhibits

- 1. Spot Report
- 2. Sworn statement, §
- 3. TTP Post Incident
- 4. Sworn Statement,
- 5. Sworn Statement,
- 6. Sworn Statement,
- 7. Sworn Statement,
- 8. Sworn Statement,
- 9. translation of documents found on local national

		SWORN	STATEMENT			
	For use of this !	form, see AR 1	90-45; the proponen	t agency is PMG.		
	<u> </u>	PRIVACY	ACT STATEMENT			
AUTHORITY:	Title 10 USC Section 301; T	itle 5 USC Sec	tion 2951; E.O. 939	7 dated November	22, 1943 (SSN).	
PRINCIPAL PURPOSE:	To provide commanders and					urately
ROUTINE USES:	Your social security number					
DISCLOSURE:	Disclosure of your social sec				·	-
1. LOCATION FOB KALSU, IRAQ,	•	2. DA	TE (YYYYMMDD) 2005/05/28 🗓 Ч	3. TIME	4. FILE NUMB)ER
5. LAST NAME, FIRST	NAME, MIDDLE NAME	1	6. SSN	7	7. GRADE/ST	ATUS
3 000 AND ATION OF	(000000		<u>-</u>	ř]	<u> </u>
	11 ACR, 155 BCT, NC 24 I	FOB KALSU	, IRAQ, APO-AE	09325		
9.						•
1, _,		À	WANT TO MAKE TH	E FOLLOWING ST.	ATEMENT UNDER	OATH:
Prior to the shooting i	ncident of 19 May 2005 inv	olving 3rd Pl	atoon of Ace Troop	TF 2/11 ACR.	I had multiple cor	nversations
with	TF 2/11	ACR) and		—:Intelligence (Officer TF 2/11 A	ACR) about the
increase of VBIEDs in	the AO (area of operations	s). These cor	iversations culmina	ted after the dear	hs of CPTs Hartin	ne and Franks
on 29 April 2005 in D	liyara when they encountere	ed a VBIED o	n Route Cleveland.	My thoughts at	that time were so	methino like
this: (1) The S-2 is te	lling us that AIF are starting	g to use VBIL	Ds much more of the	en than traditiona	I IEDs given their	increased
knowledge of our exis	Commander telling us that ting TTPs, (3) My assessment	somers must	protect inemserves	within the full li	mit of the ROE gi	iven the AIF
into ignoring disabled	and abandoned vehicles alo	one routes with	hin the AO by park	ing / placing vehi	icles (and we late	ndition soldier
trash) in "innocent" si	tuations day after day, there	by reducing t	the level of danger	that soldiers feel	when in those site	n discovered,
(increasing the likelihe	ood that complacency will s	et in, making	for "softer" targets	while on patrol)		lations
			•			. •
Subsequent to the deal	hs of CPTs Harting and Fra	anks, I sat dov	wn with l	to discuss the ne	ew TTP that need	cd to be
adopted by soldiers to	protect themselves against	both the VBII	D itself, and also i	teduce the AIF ca	pability to place t	those
identified a weakness	O. As our conversations pr	ogressed, we	identified that Alf	had been watchij	ng CF in the AO,	and had
vehicles while on pair	that they were exploiting. I ol, thereby giving the AIF a	valliciy, mai s	solulers were geilin	g much too close	to disabled / abar	adoned
would deal mostly wit	h our reaction to a stationar	v vehicle that	miny to chiptoy but was identified as a	noscible VPIED	but also included	Ims ITP
prevent their placemen	it, and to ensure that through	h our 10 (info	ormation operations) we informed th	, out also included e nublic that park	a steps to
abandoning vehicles a	long roads would not be tole	erated.	ormation operations	ij we interfice di	e public that park	ing /
TI TOTAL						
The TTP, as briefed to	my Platoon Leaders, Plato	on Sergeants	, XO, ISG, was as	follows: (1) No	vehicles were to I	be parked/
abandoned along roads	s in the AO, (2) Leaders will be destroyed if they	li inform Shei	ks, Police Officers	, and any people	that they encounte	er that parked.
anandoned venicles wi	ll be destroyed if they are n	iot moved / re	covered in a timely	manner lie. If a	vehicle is broken	down they
vehicle we will attem	c, tow, or push off the road pt to notify the owner and the	, ii a venicie i hen conduct e	is abandoned without	ut an owner / ope	rator there to spe	ak for the
I hat soldiers were not	.10 approach parked / aband	loned vehicles	coiven the VRIFD	threat in the $\Delta \Omega$	unless the vehicle	ongentor ic
searched and they (the	lradi operator) open ali doc	ors / trunk / h	ood of vehicle. (4).	That soldiers are	to error on the si	operator is
safety at all times, IAV	W the "right to self protection	on" of the RO	É.	That bolding are	to circi on the si	de of personal
Callegring and baid for	do Torrell 1 d2	T .1 1				
bloot that filled CDTs	the Troop leadership, we sp	poke through	several scenarios th	at dealt with post	sible VBIEDs, to	include the
discussion at that time.	Harting and Franks. Every	one acknowle	aged their understa	nding of the ITP	, and there was n	o further
diversition at the time						
On the morning of 19	May 2005, I was informed	by ¹	that a shooting h	ad occurred on re	oute Christie durir	og the night
and that 3rd Platoon (i	n the person of SEC Estrada	a) was involve	ed The initial revo	ort that I received	arme that an above	المناأيين الممسمة
had been found while o	on patrol, and that	had inves	stigated the vehicle	as best they could	d using white-ligh	t handheld
spotlights. Unable to i	on patrol, and that dentify an operator, and rea	alizing that a	vehicle parked in th	at area was unus	ual, they had conc	duced
escalation of force on a	a dossidie v bied. Udon si	neaking with:	: Hear	ned that warning.	shots fired to the	eida of tha
venicie (an anempi to	get any steeping person up t	irom ine venic	de) nad not been su	CCCSSTIIL These	were followed by	additional
warning shots fired fro	om the front of the vehicle, a	again without	results, and finally	with shots fired	into the orill of th	e unhicle
Opon ceasing fire into	the vehicle the crew identif fered first aid, but were una	ied that a pers	son was inside from	shouts that were	coming from that	t location.
they muneuratery tent	iorod inocato, out were una	ioie io save in	e naqi man.			
10. EXHIBIT		11. INITIAI	S OF PERSON MAKI	NG STATEMENT	 	
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Subsequent to the S-2 and S-3 to solution loudspeakers (harmonic factors)	ee if any	improvemer	it could be n	iade. Aj	pproximatel	/ four (4) da	ys later, the	and worked with the TF S-4 provided all udures.	TF 2/11 ACR inits with
The only stans of	overed in	the new TT	P are as fol	lowe: /1) Shooting t	he alace of th	he vehicle to	expose anyone who r	marcha hidinu
and to give then	r a further show the	r opportunit mselves, (3)	y to reveal the Throwing :	nemselve a "flash-l	es, (2) Using bang" grena	the loudspe de under the	akers that we	ere issued after this in gnal to the vehicle of	cident to call
Of note, when o	onsiderin	g the actions	of these so	diere is	the current	addition to t	he BOLO (be	e on the look-out) list	of 28 May
2005. There are	e nineteen	(19) new v	ehicles listed , it is no wo	l as eithe nder that	er VBIEDs o	r "possibly o pect every ve	used as VBIE	ED." Remembering t	hat this is IN
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PAGE 3, DA FORM 2823, DEC 1998

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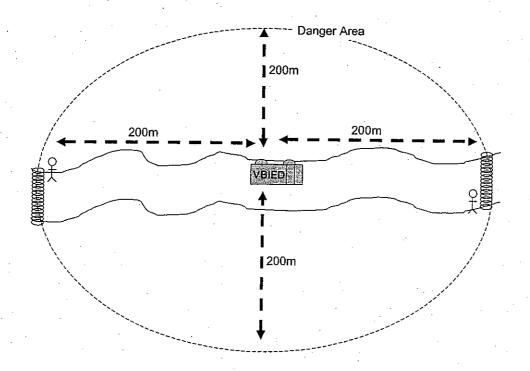
Provided By

2 June 2005

VBIED TTPs

If a car on the side of the road is suspected of being a VBIED:

- 1) Stop Coalition Force vehicles outside of or move away 200m from danger area.
- 2) Secure the area (200m out, 360 degrees). Ensure no friendlies/civilians enter danger area.
- 3) Scan the vehicle with Binoculars, Thermals, NVGs, or Spot lights from multiple vantage points.
- 4) Ensure no secondary stand off trigger man present in car and roof tops near by.
- 5) Yell (with bull horn if present) at the driver while continuing to use Spot Lights to get his attention.
- 6) If vehicle driver can not be seen, use a Flash Bang to get the driver's attention.
- 7) If Flash Bang does not get the driver's attention, place a warning shot near the vehicle.
- 8) If warning shot is ineffective, shoot out vehicle's windshield with small arms fire.
- 9) If shooting vehicle windshield does not get the driver's attention, shoot vehicle in likely IED hiding spots to initiate IED.



For use of	SYUKN STATEMENT this form, see AR 190-45; the proponent agency is ODCSOPS	
PRINCIPAL PURPOSE: To provide commanders and law enfor ROUTINE USES: Your social security number is used as DISCLOSURE: Disclosure of your social security number.		eval.
FOB Kalsu, Irag	2. DATE (YYYYMMDD) 3. TIME 0500	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME	6. SSN	Z. GRADE/STATUS
8. ORGANIZATION OR ADDRESS 3 PIT Atrp TF2/11 ACR	155 BCT	
9.	, WANT TO MAKE THE FOLLOWING STATEMENT UND	
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aco interd	> Dehirothe truck My To	inch-role / Mil
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Answer the following questions on the accompanying DA form 2823

- 1. Why was the vehicle suspicious was it on the BOLO list?
- 2. What was the procedure for engaging a possible VBIED at the time of the incident?
- 3. In what form was the procedure for engaging a possible VBIED given?
- 4. Who issued the procedure to you?
- 5. Was a verbal command given for anyone in the vehicle to vacate the vehicle? If not, did anyone?
- 6. If so, write the command in English.
- 7. If a verbal command was given, how far away was the person who gave the command from the truck when the command was given?
- 8. Was a loudspeaker utilized to give the command?
- 9. What was the reason to fire into the engine block if tires on both the rear and front of the vehicle were disabled?
- 10. How long did it take from the time you heard the occupant of the vehicle make his presence known to the time first aid was rendered?

	For use of t'	SWORN STATEMENT this form, see AR 190-45; the proponent at	igency is ODCSOPS	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	To provide commanders and law enforce	PRIVACY ACT STATEMENT Section 2951; E.O. 9397 dated November ement officials with means by which inform an additional/alternate means of identificat er is voluntary.	rmation may be accurately ide	
1. LOCATION	_	2. DATE (YYYYMMOD)	3. TIME	4. FILE NUMBER
Fob Kalsu 5. Last name, first name	E, MIDDLE NAME	2005 June 02	1630	7. GRADE/STATUS
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21) The pro	scedure was el.			ihots and disabling
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PAGE 3/DA FORM 2823, DEC 1998

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3. STATEMENT (Continued)	
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WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 1. I FULL	LY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT	VE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.
GIATEMENT THEFE WITHOUT THE STATE OF THE STA	
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to administer paths, this 28 day of May ,2005
	administer paths, this 28 day of May ,2005
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INITIALS OF PERSON MAKING STATEMENT	PAGE 5 OF 5 PAGES

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Please answer the following questions on the accompanying DA form 2823.

- 1. What made the vehicle suspicious was it on the BOLO list?
- 2. What was the procedure for engaging a possible VBIED at the time of the incident?
- 3. In what form was the procedure for engaging a possible VBIED given?
- 4. Who issued the procedure to you?
- 5. Did you give a verbal command for anyone in the vehicle to vacate the vehicle? If not, did anyone?
- 6. If so, write the command in English.
- 7. If a verbal command was given, how far away was the person who gave the command from the truck when the command was given?
- 8. Did you have or was a loud speaker utilized to give the command?
- 9. What was the reason to fire into the engine block if tires on both the rear and front of the vehicle were disabled?
- 10.If it was thought that the vehicle was a possible VBIED, why wasn't EOD called
- 11. How long did it take from the time you heard the occupant of the vehicle make his presence known to the time first aid was rendered?

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•	AR 190-45; the proponent agency is ODCSOPS	3
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	SC Section 2951; E.O. 9397 dated November	
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STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WIT	HOUT THREAT OF PUNISHN	IENT, AND WITHOUT COERCION, U	NLAWFUL INFLUENCE, OR UI	NLAWFUL INDUCEMENT.
·		•. 	<u>.</u>	
		/ (Signature	of Person Making Statement).
		Subscribed and sworn to before me	, a person authorized by law	to
WITNESSES:	a	iminister oaths, this 28	day ofMay	, 2005
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A 70 5 (21) 155	BOF		,	
ORGANIZATION OR ADDRESS		- (Signat fre	of Person Administering Óat.	b) /
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ORGANIZATION OR ADDRESS		(Autho	ority To Administer Oaths)	
INITIALS OF PERSON MAKING STATEMENT			112	سل سا
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PAGE 3, DA FORM 2823, DEC 1998

Answer the following questions on the accompanying DA form 2823

- 1. Why was the vehicle suspicious was it on the BOLO list?
- 2. What was the procedure for engaging a possible VBIED at the time of the incident?
- 3. In what form was the procedure for engaging a possible VBIED given?
- 4. Who issued the procedure to you?
- 5. Was a verbal command given for anyone in the vehicle to vacate the vehicle? If not, did anyone?
- 6. If so, write the command in English.
- 7. If a verbal command was given, how far away was the person who gave the command from the truck when the command was given?
- 8. Was a loudspeaker utilized to give the command?
- 9. What was the reason to fire into the engine block if tires on both the rear and front of the vehicle were disabled?
- 10. Are you a medic?
- 11. You stated that it took five minutes to remove the LN from the truck, in your opinion, did this time period contribute to the demise of the patient.
- 12. Why did the patrol not simply break out the glass to remove the patient?

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**************************************		SWORN STATEMENT		
	For use of this f	form, see AR 190-45; the proponent agen	ncy is ODCSOPS	
		PRIVACY ACT STATEMENT		
AUTHORITY:	Title 10 USC Section 301; Title 5 USC Section	tion 2951; E.O. 9397 dated November 22	2, 1943 <i>(SSN)</i> .	· · · · · · · · · · · · · · · · · · ·
PRINCIPAL PURPOSE: 1	To provide commanders and law enforcement	nt officials with means by which informat	otion may be accurately identi	tified.
RUUTINE USES:	Your social security number is used as an add	ditional/alternate means of identification	, to facilitate filing and retrie	aval.
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8. ORGANIZATION OR ADDRESS	A		<u> </u>	<u> </u>
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O. EXHIBIT		11. INITIALS OF PERSON MAKING		
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DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE BE INDICATED.

	For use of this form	SWORN STATEMENT n, see AR 190-45; the proponent agency	is ODCSOPS	
AUTHORITY: PRINCIPAL PURPOSE: ROUTINE USES: DISCLOSURE:	Title 10 USC Section 301; Title 5 USC Section To provide commanders and law enforcement o Your social security number is used as an additi Disclosure of your social security number is vol	PRIVACY ACT STATEMENT 2951; E.O. 9397 dated November 22, fficials with means by which informational/alternate means of identification to	1943 <i>(SSN)</i> . In may be accurately identifie	
1. LOCATION WB47330	1 RT Christu	2. DATE (YYYYMMOD) 2000 0528	3. TIME 221 PM	4. FILE NUMBER
5. LAST NAME, FIRST NAME, M	HIDDLE NAME	6. SSN	1	7. GRADE/STATUS
8. ORGANIZATION OR ADDRESS	195 BCT			
1.) The whide	Was parked on the	side of the road	owing statement under	Few at obout
ONE A.W. N	o are was around to a	your the vehicle.	It was wor	t on the BOLD list.
d.) We looked	et and around the	vehicle for any	personnell. h	he then shined
the spott	fired aimed warning of the near right time and the vehicle and row	ook. We yelled , nots. We wanted , it no one came or	to see if and no one and the then we	anyone would come come out. Then we went to the
of the ?	c plack and on by	is to destray u	ninhabited in	y) we fired into
3.) Vertbally	given to us by our	PSU in a p	latoon mee	ting.
5. Jues				
6.) Helo? Av	wholly in there?			
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8.) NO				
10.) Approxime	ays to not only disately 3-5 min.	ble the vehicle,	but to des	otroy it.
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10. EXHIBIT		11. INITIALS OF PERSON MAK	ING STATEMENT	PAGE 1 OF Y PAGES
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DA FORM 2823, DEC 1998

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■ WHICH REGINS ON PAGE 4. AND ENDS ON PAGE 4. よー、I FULLY UI	IDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE
BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE IN	ITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS Inishment, and without coercion, unlawful influence, or unlawful inducement.
STATEMENT PREELY WITHOUT HOLE OF BEHELTT ON HELITAND, WATHOUT HALEST OF	
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
	administer daths, this 28 day of May , 2005
<u> </u>	at
7/ 7/ 7/ 1/19	
ORGANIZATION OR ADDRESS	(Signature of Person Administering Oath)
OUGWINEN HOM ON MODIFIES	(Siggister of Folder National Color)
	(Typed Name of Person Administering Oath)
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ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT	PAGE R OF 44 TIGES

PAGE 3, DA FORM 2823, DEC 1998

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Answer the following questions on the accompanying DA form 2823

- 1. Why was the vehicle suspicious was it on the BOLO list?
- 2. What was the procedure for engaging a possible VBIED at the time of the incident?
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- 9. What was the reason to fire into the engine block if tires on both the rear and front of the vehicle were disabled?
- 10. How long did it take from the time you heard the occupant of the vehicle make his presence known to the time first aid was rendered?

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	For use of this form	, see AR 190	-45; the prop	onent agen	icy is ODCSOPS	,	
		PRIVACY A	CT STATEM	ENT			
AUTHORITY:	Title 10 USC Section 301; Tit	le 5 USC Sec	tion 2951; E.	O. 9397 da	ated November :	22, 1943 <i>(SSN)</i> .	
PRINCIPAL PURPOSE:	To provide commanders and la						urately
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l, <u></u>	7		WANT TO M	AKE THE F	OLLOWING STA	TEMENT UNDER	OATH:
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THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER							
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SWORN STAT For use of this form, see AR 190-45; the		
PRIVACY ACT STA	<u> </u>	
AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dat	ted November 22, 1943 <i>(SSN)</i> .	
PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means b	y which information may be accurately identified	
ROUTINE USES: Your social security number is used as an additional/alternate means DISCLOSURE: Disclosure of your social security number is voluntary	of identification to facilitate filing and retrieval.	.*
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A TROOP IF 411 ACK		
9.		
I,, WANT TO	MAKE THE FOLLOWING STATEMENT UNDER O	АТН:
1. THE VEHICLE WAS PARKED	ON THE SIDE O	of the road
AFTER CHRIPEN HRS.	~	
2. WE SHUT SOME WARWING	7 ROUNIS TO	THE BIDE
OF THE VEHICLE.		
3. VERBALY, DURING A PLT.		
4. THE COMMANDER ISSUED T	THE PROCE DURE	
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6. a/A		
7. <i>N</i> /A	· ,	
8- NO		
9. WE BELIVED THAT THE	TRUCK WAS A	VBIED.
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11. ASOSO IMMEDIATELY A	•	
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- NOTHING FOLLOWS	THE VEHICLE	5
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10. EXHIBIT 11. INITIALS OF	PERSON MAKING STATEMENT	
	- I	GE 1 OF 5 PAGES
ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF	TAKEN AT DATED	
THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE S	TATEMENT, AND PAGE NUMBER MUST BE BE I	NDICATED.

DA FORM 2823, DEC 1998

DA FORM 2823, JUL 72, IS OBSOLETE

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PAGE 2, DA FORM 2823, DEC 1998

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THREAT OF PUNISHMENT, AND WITHOUT COERCION, UN	LAWFUL INFLUENCE, OR UNLAWFUL INDICEMENT.
	<u> </u>
	(Signature of Person Making Statement)
WITNESSES:	Subscribed and sworn to before me, a person authorized by law to
•	administer oaths, this 28 day of <u>May</u> , 2005
	at FOB Kalsu
1: - 111	
A TO TE OLL ISS BOT ORGANIZATION OR ADDRESS	Signatured of Parson Administration (Ash)
GROANIZATION OR ADDRESS	(Signature of Person Administering Cath)
· / · · · · · · · · · · · · · · · · · ·	(Typed Name of Person Administering Oath)
ATM TEZ/HARISH BUT	
ORGANIZATION OR ADDRESS	(Authority To Administer Oaths)
INITIALS OF PERSON MAKING STATEMENT	17 0
	PAGE 3 OF 3 PAGES

PAGE 3, DA FORM 2823, DEC 1998

Please answer the following questions on the accompanying DA form 2823.

- 1. What made the vehicle suspicious was it on the BOLO list?
- 2. What was the procedure for engaging a possible VBIED at the time of the incident?
- 3. In what form was the procedure for engaging a possible VBIED given?
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- 6. If so, write the command in English.
- 7. If a verbal command was given, how far away was the person who gave the command from the truck when the command was given?
- 8. Did you have or utilize a loudspeaker to give the command?
- 9. What was the reason to fire into the engine block if tires on both the rear and front of the vehicle were disabled?
- 10.If it was thought that the vehicle was a possible VBIED, why wasn't EOD called
- 11. How long did it take from the time you heard the occupant of the vehicle make his presence known to the time first aid was rendered?

CourT decision

Date: 05-16-2005

Full name: Ali Salem Gaber

Address

Age

Kild of Volition: Acording To the 86 Low for the year . 2

Place: Intersection of Baghdad - Al Gadida.

Plate number: 78588 Baghdad (Pick UP)

Any witness: ME (I.P officer)

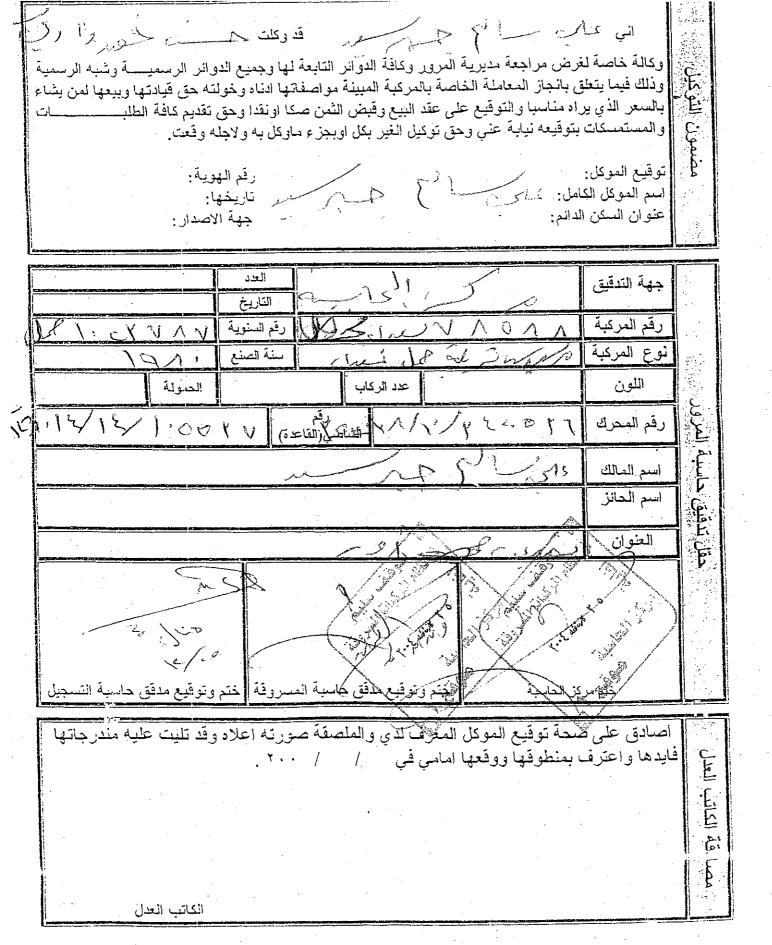
decison: Fin of 10.000 Iraqi Dinnar (about \$7.00)

I. P officer Sign.

بسم الله الرحمن الرحيم وكالة خاصة بالمركبات

دانرة الكاتب العدل في: الحد العمومي: السجل:

وكالة خاصة لغرض مراجعة مديرية المرور وكافة الدوانر التابعة لها وجميع الدوائر الرسميسة وشبه الرسمية وذلك فيما يتعلق بانجاز المعاملة الخاصة بالمركبة المبينة مواصفاتها ادناه وخولته حق قيادتها وبيعها لمن يشاء بالسعر الذي يراه مناسبا والتوقيع على عقد البيع وقبض الثمن صكا اونقدا وحق تقديم كافة الطلب والمستمسكات بتوقيعه نيابة عني وحق توكيل الغير بكل اوبجزء ماوكل به ولاجله وقعت. رقم الهوية: توقيع الموكل: اسم الموكل الكامل: مَنْ كُرَ تاريخها: حية الاصدار: عنوان السكن الدائم: جهة التدقيق التاريخ رقع السنوية رقم المركبة سنة الصنع نوع المركبة عدد الركاب اللون (01/14/12)) OUY V (5×61) X OO' رقم المحرك اسم المالك اسم الحائز العوات Cies وتوقيع ملقق كاسبة المسروقة اختم وتوقيع مدقق حاسبة التسجيل

اصادق على صحة توقيع الموكل المعرف لذي والملصقة صورته اعلاه وقد تليت عليه مندرجاتها فايدها واعترف بمنطوقها ووقعها امامي في / / ٢٠٠. فايدها واعترف بمنطوقها ووقعها امامي في ألم المعرفة المامي في


Power of attorney (for vehicle)

from: Ali Salem Gaber Sayd To: Harran AQid Wady Sliman

The number of the relicle: 78588

fick up 1023787

VEhicle Made: Marcides Pick UP

No: 342536/10/98

years of: 1980

Number of Eng: 105537 114/25014

the owner name: Ali Salem Gaber Bayd

200295

A JACIN

فحراله تسار

وفق خانون المرور رقم (

A CONTRACTOR

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من منظل المنظالقة ووقات وقوعه: / ما المنظلة المنظلقة ووقات وقوعه: / ما المنظلة المنظلة المنظلقة ووقات المنظلة . رقيم المستغيارة ويدو حقها الجمالة السموق

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Company of the

الدقع مبلغ الغرامة المفروضة محقكم ويعكسه سنتضاعف الغرامة

لاحظة: التنصى مر اجعتكم قاطع مرود عد مخس شهر و اهد من تاريخ فرضها