STATEMENT OF FACTS

- 1. The Democratic Republic of Ionia is a democratic country in Asia comprising three major states Moda, Lydia and Mixolydia. The state of Moda has 3 times the population of the other two states combined with a majority of its residents hailing from the Ionian ethnic community. Moda has had rapid economic growth in recent times with its capital city "Delphi" emerging as the "Silicon Mountain" of Asia. However, the state of Mixolydia, which has people of the minority Mixo ethnicity, has remained poor and underdeveloped. This economic gap has exacerbated historical divides between the two states, with Moda having been an English colony and Mixolydia having being an Italian colony before they became the Democratic Republic of Ionia.
- 2. In 2019, the Ionian People's Party (IPP) won the general elections in Ionia by securing a majority of 189 seats of the total 345 seats in the Ionian Parliament. The IPP, however, did not win a single seat in Mixolydia. This was not surprising since their campaign, led by populist Prime Minister Melody Moore was built on the slogan "Make Ionia Great Again (MIGA)" which harkened to restoring the glory of the golden era of Ionian civilization. The Mixo community felt excluded by this narrative, not having historically been a part of Ionia in the so-called golden era. Over the next four years, Prime Minister Melody's approval rating in Moda kept rising as she became associated with Ionian national pride, but her approval rating in Mixolydia and Lydia stayed abysmally low.
- 3. In December 2023, popular Ionian singer, Doljee Dosan, released a hit song, "MIGA MIGA" which became the number one song in Ionia. A bunch of social media posts began posting a picture of a black spot across the singer's face and the hashtags, #Mixolibera #PrimaMixo which broadly translates to "free Mixo" and "Mixo first". Some accounts began using the hashtag #Lokina (which in Mixo translates to "independence") along with #Mixo345 in addition to the other hashtags. Yaara Mixol, a young Mixo historian and activist from Mixolydia, appeared on a news show and explained that the #Lokina hashtag was launched by a new pro-independence youth organisation, the "Neo Mixolydian People's Revolution" or "Neo-MPR." This youth movement was continuing the tradition of the founders of the anti-colonial and anti-imperialist "MPR" or Mixolydian People's Revolution party in Mixolydia that opposed the Italians and then the crony-capitalist Ionian government before the party was taken over by radicals leading to its ban for terrorist activities. He also explained that the #Mixo345 hashtag was a response to anger at the uneven political representation in the Ionian Parliament, which had only 35 seats from Mixolydia.
- 4. In January 2024, three simultaneous low-grade bombs went off in malls in Delphi, the capital city of Ionia. Twenty people were left with minor injuries in these bombings. An Instagram handle

- @NeoMPRer posted a story showing a video of one of the bombings which shows the presence of masked youngsters setting off some explosive, with the #Lokina #PrimaMixo #Mixolibera hashtags along with the fist emoji running over the video. In a pre-recorded telecast to the nation, Prime Minister Melody declared that "Mixolydia is an integral part of Ionia and all calls for liberation of Mixolydia will be considered a direct attack on Ionia." She further declared that Ionia had purchased a cutting-edge new software "Crime 360" which was created by former Israeli intelligence personnel who had set up the company "Looper Inc." to develop and commercialise AI driven policing tools. While some local law enforcement agencies in Europe and the United States of America had used components of Crime 360, Ionia was the first government that had purchased the entire Crime 360 Suite and was geared for a nationwide launch of the tool. Crime 360 was a step towards the move to a digitised criminal justice system where human resources would be paired with highly advanced AI tools to ensure speed and accuracy in investigation, prosecution and sentencing.
- 5. The decision to adopt Crime 360 was strongly criticised in Mixolydia. Mr. Yaara once again appeared on a news show on TV and declared that Prime Minister Moore wanted any excuse to lock up poor Mixo people whose communities were already overpoliced. Ms. Melody strongly denied these allegations and assured the public that the AI driven tools would be more impartial than any human decision maker. Crime 360, it was stated, would be a huge step towards advancing the Integrated Criminal Justice System (ICJS) project. This inter-linking of databases to create 360 degree profiles of citizens would not only ensure that no crime would go unsolved, but could prevent crime from occurring by predicting who was predisposed to commit crime and when and where crime is likely to take place.
- 6. The Crime 360 tool was rolled out by April 2024. The FaceTracer application database was linked to all government records. Voluntary government applications offered an updated "terms of service" which allowed users to click, "I consent" to the new terms of service enabling sharing of data with the Digital Police force or to optout from the service entirely. The Home Ministry also fed the biometrics of all persons who had faced an arrest or had been fined for violations of the law into the database. Ms Melody's government also passed a legislation, the Ionian Criminal Procedure Identification Act, 2024 (with effect from 01 April 2024) allowing for collection of "measurements" of a person's body in connection with criminal investigations and the setting up of a digital police force which it claimed would address any legal gaps for using Crime 360.
- 7. In 2024, Ionia was going in for a General Election with Prime Minister Melody standing for reelection. Her election campaign was to culminate in a superstar studded event in Delphi on 04 June 2024. The star attraction at this event, in addition to Ms. Melody, was going to be Doljee

- Dosan himself who would endorse Ms. Melody and perform his hit song "MIGA MIGA". Since a massive crowd of 50,000 people was expected at the event, extra police were deployed. On the morning of 04 June, 300 Mixolydian youth were preventively detained following CrimeForecaster high risk alerts identifying suspicious persons, suspicious behaviour, and suspicious locations.
- 8. On the evening of 04 June 2024, as the finale of the event was underway, at 7:01 pm, a sudden commotion was caused when a paintball pellet of black paint was shot at the stage and narrowly missed hitting the Prime Minister and instead exploded onto the banner behind her. Another shot was fired which hit the eye of one of the commandoes rushing in front of the Prime Minister to help her escape and he fell off the stage into the crowd. This created complete panic at the venue and people began fleeing in all directions. A stampede resulted and many individuals were injured, including several police. The commando who had been shot was crushed under the escaping crowd and was in a critical condition in hospital. Two days after the incident, he succumbed to his injuries.
- 9. Five individuals Gauri Lydia, Riki Mixol, Fuzail Iqbal, Fanny Luang and Krish Kumar were apprehended in the crowd since they were wearing T-shirts with the words "#Lokina" on a Mixolydian flag on them and were near the area from which the shots were fired, but no weapon was recovered from searching their persons. An offence report being Report No. 67/2024 was registered at Police Station Delphi Central for commission of offences under Sections 189/190/191/61/49/103/109 of the Ionian Penal Code against these named persons and other unknown persons.
- 10. The Digital Police force was called in by the Investigation Officer in charge of the case to help identify the culprits behind the attack. Distant footage obtained from social media posts at the venue showed an individual in a black sweatshirt with a mask over his nose holding up a gun like item pointed at the stage just before the paint pellet exploded on stage. After running the footage through the Crime 360 tool, the Digital Police force submitted a report to the local police with a list of 6 names of potential suspects. The primary suspect was "Yaara Mixol" who was described as having a 92% likelihood of being the perpetrator.
- 11. On the basis of the Crime 360 report, the local police landed up at Yaara Mixol's house at 400 hours on 05.06.2024 and conducted a thorough search of his house. A box of paint gun pellets was found in a storage cupboard. His computer and phone were seized. Several books containing literature relating to the history of the MPR were seized. The police produced Mr. Yaara before the Magistrate and sought 12 days police custody on the basis of the Crime 360 report which was granted. The arrest memo produced at the time of remand showed his arrest as 0600 hours on 05.06.2024 at Police Station Delphi Central. Yaara Mixol strongly protested his innocence stating

- to media present at the court that he was being targeted for his social work for the upliftment of poor Mixolydian forest dwellers and fisherfolk.
- 12. Mr. Yaara Mixol was asked by the Investigation Officer to allow his faceprint to be collected by a scan of his face but he refused to allow it. However, the Magistrate, on an application filed by the Investigation Officer, directed the collection of this faceprint which was run through Crime 360 and it rendered a 78% match to the footage of the gunman.
- 13. A chargesheet was filed against Yaara for commission of offences under Sections 3/ 189/ 190/ 191/ 61/ 49/ 103/ 109 of the Ionian Penal Code. The primary piece of evidence was the Crime 360 Report's finding that Yaara Mixol was 92% likely to have committed the crime.
- 14. The lawyers for Mr. Yaara filed an application under Section 230 of the Criminal Procedure Code seeking a copy of the source code for the Crime 360 application as well as the data sets on which its AI was trained. This was refused by the prosecutor on the ground that this was not a relied upon document. Charges were framed under Section 3/61/49/103 and 191 of the IPC. Mr. Yaara took the plea of "non-guilty" and was asked to stand trial.
- 15. In the course of the trial, the Crime 360 Result was tendered as evidence by Prosecution Witness No. 34 Inspector David Dhawan, of the Digital Police Force along with a Section 63 Evidence Act certificate. He testified that the he is a trained technology expert and was specially trained by Looper Inc. to operate their Crime 360 software. He further testified that while the complete basis on which the Crime 360 report was prepared by the AI could not be known, the software had flagged some important inputs which led to the police's reliance on it. He also explained that the facial recognition matching was run a second time with the facial print collected from the accused himself and that returned a 78% match with the incident footage, showing the software to be accurate and reliable.
- 16. The defence strongly objected to the admissibility of the Crime 360 result, on the ground that it violated the right to privacy and the right against self-incrimination, but this objection was reserved for determination at the end of trial. When cross-examined on the accuracy of the results, Prosecution Witness No. 34 stated that the algorithm works with absolute precision based on the inputs available in its dataset and accordingly renders results. On cross examination, Prosecution Witness No. 34 also admitted that this was the first case in which the suspect was identified from a Crime 360 report and therefore any potential problems with the tool may not yet have been unearthed.
- 17. Other evidence adduced against Mr. Yaara included the statements of Prosecution Witness No. 4 and Prosecution Witness No. 5 who were attending the event and who stated that they saw Mr. Yaara in a corner behind the crowd along with some other guys in Mixolydian flag T-shirts. On

- cross examination, both admitted that they had neither seen nor interacted with the accused in person before the date of the incident, but volunteered that they could identify him based on his public TV appearances.
- 18. Finally, Prosecution Witness No. 53, Mr. Mike Hudson, the Investigation Officer in the case, testified about the recovery of a paintball gun on 05.06.2024 from behind a dustbin about half a kilometre away from the site of the incident on the pointing out by the accused himself, pursuant to a statement made by him that he could get these articles recovered if taken to the spot. On cross examination, Prosecution Witness No. 53 stated that while the gun was not buried, it was hidden from plain sight, being behind the dustbins. When further cross examined as to the manner in which Mr. Yaara made this confessional statement, Prosecution Witness No. 53 stated that "the accused had called for the Investigation Officer and declared his wish to confess to the crime and to get the weapons recovered." When asked whether the accused had described the make of the gun, Prosecution Witness No. 53 stated that the accused had in fact given a detailed description, but the same was not included in the written statement, since they needed to urgently recover the weapon and had hastily written the report. When cross examined about independent witnesses to the recovery, Prosecution Witness No. 53 stated that no public witness could be found at the time but a constable had signed the memo.
- 19. In his defence, Mr. Yaara produced one defence evidence Defence Witness No. 1 Saara Ahmed to speak about the risks associated with AI in policing. She testified that without access to the dataset on which the AI was trained, it is impossible to know what biases are present in the AI system. When cross examined, she admitted that facial recognition is now being widely used in many jurisdictions across the world to identify suspects.
- 20. The Trial Judge convicted Mr. Yaara for the commission of an offence under Section 102 read with Section 105 of the Ionian Penal Code for causing the death of the commando and under Section 189(4) of the Ionian Penal Code for joining an unlawful assembly armed with a deadly weapon. The Trial Judge also ruled in favour of the admissibility of the Crime 360 report and found that it made a positive identification of Mr. Yaara Mixol as the perpetrator which was reliable and accurate. The Trial Judge declined to hold the accused guilty under Section 103 IPC on the ground that he did not have the requisite knowledge that the paintball pellet was likely to cause death. The judge awarded a sentence of seven years rigorous imprisonment for the commission of the offence under Section 102 read with Section 105 and imprisonment for two years for the commission of the offence under Section 189(4). Both sentences were to run concurrently.

- 21. Mr Yaara's legal team filed an appeal against his conviction before the Modal High Court. In his appeal, he, *inter alia*, challenged the admissibility and reliability of the Crime360 report against him on the ground that it was created on the basis of materials collected in violation of the fundamental rights of the accused. He also challenged the fairness of his trial on the ground that materials under Section 230 of the Criminal Procedure Code were not supplied to him and he could not effectively cross examine the expert witness. The High Court of Moda admitted the appeal and posted it for hearing. The State of Moda filed a counter appeal seeking conviction under Section 103(1) and enhancement of sentence to life imprisonment.
- 22. The High Court of Moda framed the following questions for determination:
 - (1) Whether the Crime360 report is inadmissible as evidence?
 - (2) Whether the conviction of the Appellant under Section 102 read with Section 105 of the IPC is bad in law?
 - (3) Whether the Appellant is liable for conviction under Section 103(1) IPC?
 - (4) Whether the conviction of the Appellant under Section 189(4) IPC is bad in law?
- 23. The Constitution of Ionia is *in para materia* with the Constitution of India. Similarly, the Ionian Penal Code is *in para materia* with the Bharatiya Nyaya Sanhita 2023, the Criminal Procedure Code is *in para materia* with the Bharatiya Nagarik Suraksha Sanhita 2023 and the Evidence Act is *in para materia* with the Bharatiya Sakshya Adhiniyam, 2023.

24. List of documents:

DOC. NO.	DESCRIPTION	PAGE NO.
Document A	Looper's "Crime 360 Suite" brochure	7 – 8
Document B	CRIME 360 ANALYTICS RESULTS	9 - 10
Document C	Ex PW 53/13 – Pointing Out Memo	11
Document D	Ex PW 53/14 – Recovery Memo	12
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	Mr. Yaara Mixol	

Document A



Crime 360 Suite

FaceTracer™

FaceTracer is a sophisticated facial recognition tool designed to enhance law enforcement capabilities by accurately identifying individuals in real-time. Utilizing advanced AI and machine learning technologies, FaceTracer assists in quickly and efficiently recognizing suspects, missing persons, and persons of interest, thereby strengthening public safety and security.

Key Features:

1. Real-time Identification:

 FaceTracer processes live video feeds from social media, surveillance cameras and body-worn cameras to identify individuals in real-time, providing instant alerts to law enforcement officers.

2. Robust Database Integration:

Integrates with national and local databases, including criminal records, watchlists, and missing persons databases, transport databases and streams from airports/railways/bus stations ensuring comprehensive and up-to-date identification capabilities.

3. High Accuracy and Speed:

 Employs state-of-the-art algorithms to deliver high accuracy in facial recognition, even in challenging conditions such as low light, partial occlusion, face coverings or varying angles.

ToughTalk™

ToughTalk is an advanced AI-based tool designed to help identify anonymous accounts on social media platforms. Leveraging cutting-edge artificial intelligence and machine learning algorithms, ToughTalk provides users with powerful insights to uncover the identities behind pseudonymous profiles, enhancing transparency and accountability in online interactions.

Key Features:

1. Behavioural Analysis:

ToughTalk examines patterns in user behaviour, including posting times, language usage, interaction styles, and content preferences. By analysing these patterns, the tool can make educated guesses about the identity of anonymous accounts.

2. Cross-Platform Data Integration:

 The tool integrates data from multiple social media platforms, allowing for comprehensive cross-referencing of user activities. This multi-source approach increases the accuracy of identification.

3. Natural Language Processing (NLP):

 ToughTalk uses NLP to analyse the textual content of posts, identifying unique linguistic markers, writing styles, and frequently used phrases that can hint at an individual's identity.

4. Image and Video Recognition:

Employing advanced image and video recognition technology, ToughTalk can detect and analyse visual content posted by anonymous accounts, comparing it to known images from public and private databases.

5. Network Analysis:

 The tool maps the social network of the anonymous account, examining connections and interactions with other users to identify common associates and potential reallife connections.

6. Machine Learning Algorithms:

ToughTalk continuously improves its identification accuracy through machine learning, learning from each identification attempt and refining its models to better recognize anonymous users over time.

CrimeForecaster™

The CrimeForecaster application is an advanced predictive policing application designed to enhance public safety by forecasting potential criminal activity. Utilizing cutting-edge machine learning algorithms and big data analytics, CrimeForecaster provides law enforcement agencies with actionable insights to proactively address and prevent crime.

Key Features:

1. Crime Forecasting:

 CrimeForecaster analyses historical crime data, social trends, and environmental factors to predict where crimes are likely to occur. This allows police departments to allocate resources more efficiently and effectively.

2. Real-time Data Integration:

The application integrates real-time data from multiple sources, including social media updates, crime reports, emergency calls, weather conditions, and public events, to provide up-to-date predictions and enhance situational awareness.

3. Risk Maps:

 Generate detailed risk maps highlighting potential hotspots for various types of crimes such as burglary and sexual harassment. These maps help in strategic planning and deployment of patrols.

4. Resource Optimization:

 By forecasting crime patterns, CrimeForecaster ensures that officers are present in high-risk areas at the right times, thereby increasing deterrence and rapid response capabilities.

Document B

CRIME 360 ANALYTICS RESULTS

Suspect	Facial recognition match	Likelihood of
		committing the crime
		assessment
John Doe	75%	82%
Yaara Mixol	78%	92%
Thangh Luang	60%	65%
Krish Kumar	55%	65%
Riki Mixol	45%	80%

Based on data analysed, the most likely person guilty of committing this crime is Yaara Mixol (92%).

Important factors to assist investigators:

- 1. Based on a photograph uploaded onto DigiTravel, an airport ease of travel identification software, whose database was integrated into the FaceTracer database, a highly accurate faceprint of Yaara Mixol could be collected. The match between this faceprint and the images on the social media posts was sufficient to identify Mr. Yaara, even with the face mask on. The FaceTracer Al rendered a 78% facial recognition match for Mr. Yaara.
- 2. CrimeForecaster had tagged the residential neighbourhood where Mr. Yaara lives in as a high risk area for crime which had resulted in dense deployment of CCTV cameras in that area. From this extensive CCTV coverage in his residential area, CrimeForecaster obtained camera footage shows an individual identified by FaceTracer as Mr. Yaara leaving his house on the afternoon of 04 June 2024 in a black sweatshirt and returning at around 8 pm. A close up of his face was analysed and revealed that he was exhibiting high levels of anxiety.
- 3. The emergency alerts created during the occurrence of the incident automatically began storing geolocation data and livestream video footage of accounts tagged by CrimeForecaster as "high risk" for Neo-MPR affiliated activity. Mr. Yaara's geolocation shows him at the site of the event as soon as the alerts kicked in.

- 4. While Mr. Yaara's social media @YaaraMix did not contain any livestream, another high risk account, @NeoMPRer's social media contained a live stream of the incident which starts just after the paint pellet explosion and shows people running in panic from the location identified by the software as close to where the pellet originated. Crime 360's forensic analysis of the video indicates that @NeoMPR was either the person who shot the paintball gun or was next to him.
- 5. The ToughTalk application had analysed @NeoMPRer's social media user behaviour and found a 85% overlap with Yaara Mixol's social media activity styles indicating a strong likelihood that they are the same person.
- 6. A post on a 20 year old blog by one of Mr. Yaara's high school classmates described "Yaara Mixol" as winning a local paintball tournament.
- 7. A video recording uploaded 15 years ago from an anonymous account onto the now defunct MySpace platform was also identified by FaceTracer in which a person identified by the software as 'Yaara Mixol' can be seen from the side view and heard giving the answer, "Yes, even the United Nations had recognised that there was never a plebiscite in Mixolydia which means that the question of self-determination is always open" in response to a question posed: "Do you think Mixolydia is entitled to self-determination?."
- 8. @YaaraMix follows many online accounts that relate to calls for Mixolydian independence and has bookmarked several tweets by anonymous radical Mixolydian accounts on X.com
- 9. Co-accused Riki Mixol, Fanny Luang and Krish Kumar all follow @YaaraMix on X.com and have retweeted many of his posts.
- 10. Most persons with a history of joining the NeoMPR or caught in NeoMPR activities are close to Yaara's age (40) and gender (male) and ethnicity (Mixolydian).

Document C

Ex PW53/13 – Pointing Out Memo

General Diary ENTRY 43/2024

Police Station Delphi Central

0630 hours on 05.06.2024

The suspect was taken to the junction of Curzon Road and Akbar Road, on his insistence, and on his pointing out, a Tippmann Bravo One Elite automatic paintball gun was recovered.

Signed

- 1) SI Mike Hudson
- 2) HC Rakesh Rathore

Document D

Ex PW53/14 – Recovery Memo

General Diary ENTRY 43/2024

Police Station Delphi Central

0630 hours on 05.06.2024

The suspect was taken to the junction of Curzon Road and Akbar Road, on his insistence, and on his pointing out, a Tippmann Bravo One Elite automatic paintball gun was recovered hidden behind a public dustbin. The said article has been seized and placed in a sealed cover with the date, time and imprint of the police.

Signed

- 1) SI Mike Hudson
- 2) HC Rakesh Rathore

Document E

Ex P53/11 – Statement by suspect

GD ENTRY 40/2024

P.S. Delphi Central

600 hours on 05.06.2024

The suspect declared his intention to make a voluntary statement and have it recorded. The statement of the suspect is as follows:

I Yaara Mixol have political ambitions of becoming leader of the Mixolydian territory. Having seen the decades of exploitation of Mixolydia by the Ionian people, I want my people to have their own state. I have been advocating for radical action against the Ionian Government in the hope that a movement can be built to resist Ionian rule. We still have a chance for Mixolydian independence if we pursue the MPR case filed in the united Nations. To mobilise Ionian youth, I have been writing on social media under various handles and promoting the actions of the Neo MPR. I believe in and support their ideology. I wanted to cause unrest and international embarrassment to the Prime Minister Melody Moore and so I entered into a conspiracy with my friends to fire black paint ball pellets at her during her rally. I made several shots from my paintball gun while the crowds were watching her speech. I can get recovered the gun from the road on which I disposed of it, if taken there.

Yaara Mixol

Document F

Ionian Criminal Identification Act, 2024

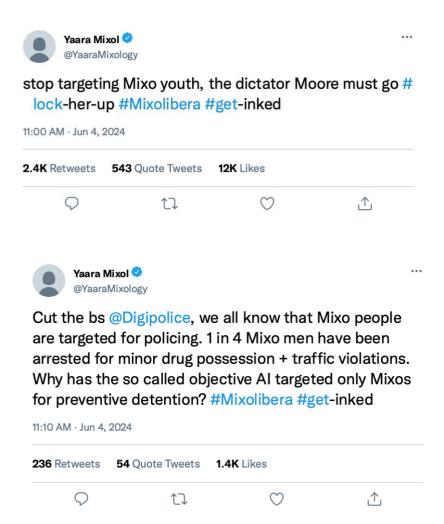
- "1. **Definitions.-** (1) In this Act, unless the context otherwise requires,—
- (a) "measurements" includes finger-impressions, palm-print impressions, foot-print impressions, photographs, iris and retina scan, physical, biological samples and their analysis, behavioural attributes including signatures, handwriting or any other physical examination;
- (b) "police officer" means the officer-in-charge of a police station or an officer not below the rank of Head Constable;
- (c) "digital police force" means the specialised police unit for computerised and artificial intelligence based investigations;
- (2) Words and expressions used herein and not defined but defined in the Ionian Penal Code and the Criminal Procedure Code shall have the same meanings respectively assigned to them in those Codes.
- **2. Collection, storage of records.-** (1) The Digital Police force shall, in the interest of prevention, detection, investigation and prosecution of any offence under any law for the time being in force,—
- (a) collect and prepare a centralised record of measurements from Central Government, State Government or Union territory Administration or any other law enforcement agencies or any other publicly available sources of an individual's measurements published with the individual's consent;
- (b) store, preserve and destroy the record of measurements at national level;
- (c) process such record with relevant crime and criminal records; and
- (d) share and disseminate such records with any law enforcement agency,
- in such manner as may be prescribed.
- (2) The record of measurements shall be retained in digital or electronic form for a period of seventy-five years from the date of collection of such measurement.
- **3. Privacy.-** Any person acting in pursuant of powers conferred by this statute must respect the right of privacy of citizens of Ionia.

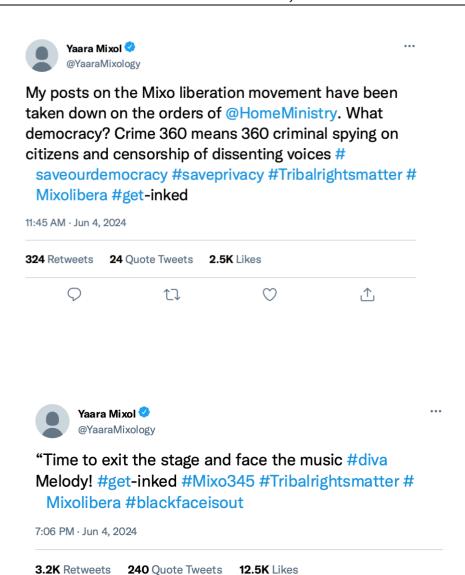
- **4. Power of Magistrate to direct a person to give measurements.-** Where the Magistrate is satisfied that, for the purpose of any investigation or proceeding under the Criminal Procedure Code or any other law for the time being in force, it is expedient to direct any person to give measurements under this Act, the Magistrate may make an order to that effect and in that case, the person to whom the order relates shall allow the measurements to be taken in conformity with such directions.
- **5. Resistance to allow taking of measurements.-** If any person who is required to allow the measurements to be taken under this Act resists or refuses to allow taking of such measurements, it shall be lawful for the police officer or prison officer to take such measurements in such manner as may be prescribed.
- **6. Admissibility of records.-** All records created under Section 2 including a record of measurements of an individual collected in accordance with Section 4 shall be admissible in a court of law."

Document G

Ex PW 34/14 – Evidence extracted from the phone of Mr. Yaara Mixol

X.com page of @YaaraMix on 04.07.2024 as retrieved from his phone





X.com page of @Digipolice on 04.07.2024

1





Only CrimeForecaster posts classified as high risk based on pro-NeoMPR messages have been ordered to be taken down.

11:06 AM · Jun 4, 2024



X.com page of @NEOMPR on 04.06.2024

