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## Use of Torture in Areas of Ukraine Occupied by the Russian Federation

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**Abstract:**

**Purpose:** This article is devoted to the problem of torture in areas of Ukraine occupied by the Russian Federation. Official Russian law prohibits the brutal treatment of people - resorting to similar practices is punishable by, among other things, imprisonment. Despite this, Russian law enforcement agencies use torture against detainees in order to obtain information. The full scale of the crimes committed by the Russians (or their allies) in the conquered areas of Ukraine is not yet known. Obtaining more complete data will probably become possible after the liberation of these areas.

**Design/Methodology/Approach:** The first goal of this study was to analyse the discrepancies between the Constitution of the Russian Federation, the Executive Criminal Code of the Russian Federation, the Code of Criminal Procedure of the Russian Federation, which prohibits the use of torture, and the practice of Russian criminal law in which law enforcement agencies force a confession. The purpose of this research was to analyse documented cases of cruel treatment of people that took place in Ukraine under Russian occupation.

**Findings:** There have been numerous human rights violations, including torture, in the areas of Ukraine occupied by Russia since 2014. The problem escalated after the full-scale invasion of Ukraine by Russian troops on 24 February 2022. Psychological (humiliation, intimidation), physical (beating, electrocution, starvation) and sexual violence was used against prisoners of war, as well as civilians suspected of collaborating with the Kiev 'regime'. Detainees were held in rooms that did not meet basic sanitary standards. Similar actions had a small systemic character and were part of the policy of mass terror against the inhabitants of the occupied territories who were opponents of Russian aggression.

**Practical implication:** This paper is devoted to analysing the terror and tortures against Ukrainian civilians became one of the main tools of control used by the Russian armed forces. Cases of ill-treatment and torture were already recorded from very beginning days of the invasion. The scale of these crimes is not only about statistics, but above all about the dramas and tragedies of society. The measure of torture in Russia has been a source of concern for the international courts, even than numbers of crimes is not yet known. The

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*actions of the Russian Federation indicate the lack of accountability of the authorities and the weakness of the justice system.*

**Originality/value:** *The article presents original scientific research on the use of torture by the armed forces of the Russian Federation against Ukrainian prisoners of war. Torture served various purposes, but it was a tool to maintain the atmosphere of fear and terror. Several dozen cases were investigated, which is a fraction of the total number, since full data will probably be possible after the occupation of all Ukrainian lands occupied by the Putin's regime.*

**Keywords:** *Armed conflict, human rights, violence, prisoners of war, security.*

**JEL codes:** *K10, F52, F20,*

**Paper Type:** *Research article.*

## **1. Introduction**

In the modern world, torture is considered one of the most drastic violations of human rights. Although, according to international law, such practices constitute a serious crime, some states allow them, either officially or unofficially. Contrary to appearances, this phenomenon does not only concern authoritarian states. Torture can occur in a variety of political systems, including non-democratic states, democratic states or countries somewhere in the middle of the spectrum.

Obviously, it is more common in authoritarian regimes where human dignity is not respected. Countries that are considered to be democracies generally deal with this problem better due to, among other things, more effective legal mechanisms and control by civil society. In developed, civilised countries with stable political structures, law enforcement and security services generally operate in a more transparent and lawful manner.

Authoritarianism, lack of adequate oversight of state security institutions, and weaknesses in civil society are not the only threats to human rights. In situations of armed conflict and civil war, there is a high risk of escalation of the problem of torture and other barbaric practices. This unpleasant phenomenon was encountered by the people of Ukraine, which became a victim of full-scale Russian aggression on 24 February 2022.

The purpose of this paper is to provide a broader background to this problem, and to analyse documented cases of cruel treatment of people that occurred in Ukrainian areas under Russian occupation.

## **2. Literature Review**

According to Art. 1 of the *UN Convention against Torture and Other Cruel,*

*Inhuman or Degrading Treatment or Punishment*, torture is "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on any person for the purpose of obtaining from him or a third person information or a confession, for the purpose of punishing him for an act he or a third person has committed or is suspected of having committed, and for the purpose of intimidating or coercing her or a third person, or for any other purpose arising from any form of discrimination, when such pain or suffering is caused by a State official or other person acting in an official capacity or on their instructions or with their express or tacit consent" (Gov.pl, 1984).

The cited definition focuses on actions taken by state authorities or persons acting under their authority or acquiescence. This is crucial in the context of international law, as the Convention aims to prevent and punish torture by States and their agents. It is worth noting at this point that other actors, such as criminal groups or paramilitary organisations, may resort to similar practices. International law and many other conventions and legal documents also prohibit the use of torture by these groups considering similar actions as very serious human rights violations.

One can point to such provisions as Article 7 of the International Covenant on Civil and Political Rights (UNTC, 1966), Article 7 of the Rome Statute of the International Criminal Court (where torture is included as a crime against humanity alongside such crimes as slavery, extermination or murder, for example) (Prawo.pl, 1998), Article 37 of the Convention on the Rights of the Child (UN, 1989), or Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (OpenLEX, 1950).

A related concept to torture is the term inhuman treatment or punishment. The difference is that "in the case of inhuman treatment the degree of distress is higher than in the case of degrading treatment, but lower than in the case of torture" (Jędrzejczyk, 2019). In contrast, we speak of degrading treatment or punishment when certain actions cause the victim to feel fear and humiliation. Such an action could be, for example, a personal search, combined with mockery over the detainee.

The concept of torture (Russian: пытки, истязание) is also found in contemporary Russian legislation. It appears, inter alia, in Article 117 of the Criminal Code of the Federation, where it is defined as the infliction of physical or mental suffering through systematic beating or other acts of violence.

Similar acts are punishable by restriction (or deprivation) of liberty for up to three years, or forced labour, provided that the torment has not caused the victim moderate or severe damage to his or her health. If physical or mental suffering was inflicted with particular cruelty, the perpetrator faces a penalty of three to seven years' imprisonment ("Criminal Code of the Russian Federation (Uholovnyj kodeks Rossyjskoj Federacyj)", 1996). The use of torture is also prohibited by the Constitution of the Russian Federation, the Executive Criminal Code of the Russian

Federation, the Code of Criminal Procedure of the Russian Federation. However, the gap between the legal provisions and the practices of Russian law enforcement agencies raises doubts among researchers as to the meaning of the former. Russian media very often report cases where state officials force confessions by violence (Radyonova, 2013).

The scale of torture in contemporary Russia has been of concern to the international community and human rights monitoring organisations for years. There are numerous reports, documentation, and NGO reports that point to cases of torture or inhumane treatment committed by Russian law enforcement agencies or representatives of the prison system (Osechkin, 2023). In turn, during the First and Second Chechen Wars, the Russian armed forces committed torture and other war crimes (Warecka, 2012).

### **3. Research Results and Discussion**

#### **3.1 Cases of Torture in the Occupied Territories of Ukraine - Specifics of the Phenomenon**

An analysis of the issue at hand should begin by outlining the broader historical background. The full-scale invasion of Ukraine by Russian troops (or the so-called “special military operation” - as the pro-Kremlin media termed it), which took place on 24 February 2024, was in fact one stage of a battle that had been ongoing for many years. The conflict *de facto* began in the spring of 2014, when Russia annexed the Crimean Peninsula.

According to the Kremlin's official version, this was a response to the mass protests in Kiev's Maidan, which resulted in the ousting of pro-Russian President Viktor Yanukovich from power. The main reason for the protests was Yanukovich's rejection of the Association Agreement with the European Union. Ukrainian public opinion saw the agreement as a step towards rapprochement with the West and European political standards.

On 27 February 2014, Yanukovich fled Ukraine (LB.UA, 2014), previously belonging to Ukraine. The main area of conflict became the eastern region of Ukraine, known as the Donbas, which includes the Donetsk and Lugansk regions. Pro-Russian militants declared the independence of these territories and created the so-called Donetsk People's Republic (DRL) and Lugansk People's Republic (LNR) (Korotkyi and Hendel, 2018). As a consequence, the United States and the European Union imposed sanctions on the Russian Federation (Zygula, 2018).

In 2014 and 2015, representatives of Russia and Ukraine held a series of negotiations to end the fighting in the Donbass. These are referred to as the Minsk agreements. They provided for the conclusion of a truce, the withdrawal of heavy weapons and political and constitutional reforms in Ukraine. The agreements did not

have the expected outcome, as the conflict continued, although generally less intense compared to the initial period (Karpyuk, 2019).

The unresolved dispute over the Donbas dragged on for years, resulting in significant loss of life and property. Hundreds of thousands of residents have been displaced or fled the conflict area. According to information from the United Nations High Commissioner for Human Rights, between 14 April 2014 and 31 August 2021, the total number of people killed and wounded as a result of hostilities in Donbas was 42.5 - 44.5 thousand. "13,200 - 13,400 people were killed, including at least 3,393 civilians, about 4,200 Ukrainian military and about 5,800 members of armed formations (people fighting on the side of the Russian-backed separatists).

The civilian casualty tally includes 298 people who were on board the Malaysian airline plane shot down in July 2014. [...] The UN recorded 152 child deaths related to the conflict - 102 boys and 50 girls were killed" (PAP, 2021). The conflict has also led to the destruction of infrastructure and the standard of living of Donbas residents has noticeably decreased (Pashkov, 2019).

In areas of Ukraine that were occupied or controlled by pro-Russian separatists after 2014, there were numerous human rights violations and breaches of international humanitarian law. The authorities of the unrecognised Donetsk People's Republic and Lugansk People's Republic restricted humanitarian access to civilians. Residents of these areas have had difficulty obtaining basic goods, such as medicine and medical care (Miller, 2020).

Journalists and human rights defenders operating in these areas were often targeted and arrested or persecuted for their work. This repression was aimed at restricting the freedom of the press and civic activities (ua.krymr.com, 2020). Violations of the rights of minorities, especially on national and religious grounds, were also reported. Ukrainians and representatives of other ethnic groups were victims of discrimination or other forms of persecution.

Following the annexation of Crimea by the Russian Federation in 2014, the Crimean Tatars, who number around 300,000 people, became one of the groups most affected by repression and persecution. The Russian authorities have carried out numerous arrests, trials and repression against Crimean Tatar community leaders and human rights activists and opponents of annexation. They were accused of separatism and terrorism. The Russians banned cultural and social organisations of Crimean Tatars, including the Medjlis, which is the most important institution representing this community (Kościński, 2016).

The occupiers restricted the religious rights of this minority and also introduced obstacles to education in the Crimean Tatar language. On 16 March 2015, Vitaly Chervonenko wrote that during the first year after the annexation of Crimea: "many young Tatars taking part in the protests simply disappeared. Some of them were later

found dead. One of the victims became the young activist Reshat Ametov" (Chervonenko, 2015). In all areas controlled by the Kremlin or pro-Russian separatists, there have been many cases of violence, including killings, kidnappings and torture (Mamedov, 2021; Mokrushyn, 2021).

However, difficulties were encountered in accurately recording cases of specific violations, as pointed out by Oleksandr Bulakov, chairman of the "Donbas-Memorial" council, a human rights flu. There are practically no public organisations operating in these areas to monitor the situation. The incoming information about what is happening in these territories corresponds to reality. However, they are fragmentary and it is not easy to build an accurate picture from them. [...] It is very difficult to document concrete examples of violations of citizens' rights in these areas" (Khotyn, 2017).

With the start of the Russian Federation's large-scale aggression against Ukraine in 2022, the problem worsened. Terror against Ukrainian civilians became one of the main tools of control used by the Russian armed forces. Cases of ill-treatment and torture were already recorded in the first days of the invasion. The scale of these crimes far exceeded anything that had happened in the occupied territories since 2014.

In the first half of 2023, an analytical report by the Ukrainian Centre for Human Rights 'ZMINA' entitled *Torture and ill-treatment of civilians in the Ukrainian territories under Russian occupation (using the example of the Kiev, Kharkiv and Kherson regions)* was published. The subject of the study was acts of torture and other cruel, inhuman or degrading treatment and punishment of the civilian population that occurred during the Russian armed aggression against Ukraine in the Kiev region between February and March 2022 and between April and September 2022 in the Kharkiv region (Petrunyok, 2023).

The authors of the study noted certain regularities and patterns in the terror methods used in the conquered territories. The mass procedure was distinguished by the following features:

- war crimes (in particular brutality and torture) committed by the military of the Russian Federation were systemic and part of a broader policy;
- war crimes were committed not only by regular Russian troops or officers of the Federal Security Service of the Russian Federation, but also by armed units of the so-called Donetsk and Lugansk People's Republics (Petrunyok, 2023);
- The victims of detention and torture were most often former soldiers of the Armed Forces of Ukraine, participants in the ATO (Outriders, 2022), their relatives, local activists and leaders, government officials, businessmen, volunteers, as well as pro-Ukrainian civilians (Mikhailov, 2023);

- most of the victims claimed that they were detained not randomly, just on the basis of denunciations or other information. Any civilian could be arrested while crossing checkpoints. The occupiers scrupulously checked the mobile phones of the population, looking for “suspicious” contacts or signs of Ukrainian patriotism (Petrunyok, 2023);
- those using torture during interrogations, in the vast majority of cases, tried to conceal their identity. They usually wore balaclavas or put special bags over the victims' heads, which excluded eye contact (but also made it difficult). They also took care to preserve their own anonymity, and did not introduce themselves by name or surname (Petrunyok, 2023);
- most acts of violence were related to interrogations or other attempts to obtain information. Torture took place during or preceded interrogations. Both Ukrainian prisoners of war and civilians faced physical and psychological violence (Petrunyok, 2023);
- occupiers did not shy away from sexual violence against both women and men (Didenko, 2013);
- the most common methods of torture used in the occupied territories of Ukraine were beating and electrocution (military field telephones and stun guns were used for this purpose). "The advantage" of the latter method was that the level of suffering inflicted could be varied (by adjusting the intensity of the energy) and electrodes could be pinned to different parts of the body: hands, feet, earlobes, genitals. Torture by electricity did not leave noticeable, visible marks on the victim's body;
- hands, legs, metal or plastic pipes, wooden batons or special police truncheons were mostly used for beating. The torturers tried not to beat the interrogators on the face and chest in order to conceal the fact of physical violence and to prevent death from damage to internal organs. However, there were not inconsiderable cases where the people being tortured died;
- cases of broken limbs, twisted joints or inflicted permanent disability (e.g. castration) have been reported;
- many detainees were imprisoned in cramped rooms (e.g. 1.5 m x 3 m) that did not meet basic sanitary requirements. They had no access to running water, toilets or fresh air;
- strong psychological pressure was exerted on the detainees, who were threatened with torture, disability or death if they resisted. They were promised that a similar fate would befall their loved ones. All detainees witnessed the torture of fellow detainees. In some cases, the vision of brutal interrogation became a more traumatic experience than the actual physical pain;
- detainees and interrogators were often humiliated. Some were forced to take care of their physiological needs on a Ukrainian military uniform;
- detainees had no contact with their families. Relatives were not informed of their whereabouts;
- some detainees were forced to express support for the actions of the Russian Federation. Such statements were videotaped and used for propaganda

- purposes;
- psychological abuse and humiliation were often accompanied by physical torture. For example, some victims had to recite Ukrainian patriotic slogans or sing the national anthem while being electrocuted. In the Kherson region, some detainees were forced to sing the anthem of the Russian Federation. Guards had to be “greeted” with slogans “Glory to Russia! Glory to Putin! Hail Shoygu!”. Non-compliance with orders was punished by beating (Petrunyok, 2023).

Since the beginning of the full-scale invasion of Ukraine by troops of the Russian Federation, "investigators of the National Police of Ukraine have opened 68,044 criminal proceedings on the basis of facts concerning crimes committed on the territory of Ukraine by soldiers of the armed forces of the Russian Federation and their accomplices" (as of 23 March 2023) (police.gov.ua, 2023). The proceedings concerned such crimes as:

- violation of the laws and customs of war;
- violation of the territorial integrity and inviolability of Ukraine;
- collaboration;
- high treason;
- sabotage (police.gov.ua, 2023).

According to data from the General Prosecutor's Office of Ukraine, as of 31 March 2023, 77,465 criminal proceedings were pending in connection with violations of the laws and customs of war by the Russian Federation (KMU.GOV.UA, 2023). In addition, in the areas liberated so far, officers of the National Police of Ukraine have uncovered 52 places where people were detained and tortured.

In Kharkiv region 27 torture houses were discovered, in Kherson region - 16, in Kiev region - 3, in Sumy region - 2, in Mykolaiv region - 2, in Donetsk region - 1 and in Chernihiv region – 1 (Petrunyok, 2023). The full scale of these crimes is not yet known. Obtaining more complete data will probably become possible after the deoccupation of all Ukrainian lands seized by Vladimir Putin's regime.

### **3.2 Case Study**

The problem of torture in the territories of Ukraine occupied by the Russian Federation is not only about alarming statistics, but above all about the dramas and tragedies of specific people. Some cases were so shocking that they circulated all over the world. One of the symbols of the cruelty of the Russian invaders became the story of Mykhailo Dianov.

Dianov belonged to the 36th Independent Marine Infantry Brigade, which together with the Azov Regiment defended Mariupol and the Azovstal plant. During the fighting for Azovstal, Mykhailo suffered a serious fracture to his right arm - despite



this, he continued to take part in military operations. The wounded 42-year-old soldier was then immortalised in one of the famous photos by Dmytro Kozatsky "Orest", which were circulated in the media (Barsukova, 2022).

The battle for Azovstal ended on 20 May 2022 with a Russian victory, and Dianov, along with other defenders, was taken prisoner, where he spent four months (Bondarenko, 2022). He was held in Olenivka prison, located on the territory of occupation-controlled Donetsk. In Olenivka, the captives were deliberately starved.

The guards gave them only half a minute to eat a meal. The bread they were given was very hard. Men with broken teeth were unable to chew it. Dianov mentions an instance when several Ukrainians were punished for picking and eating some wild berries (Onet, 2022). In addition to starvation, the Russians also used other forms of torture, including beating with sticks, electrocution and driving needles under the fingernails.

Living conditions in the prison itself were harsh. There were 800 prisoners in rooms designed to hold 150, making it impossible to move freely. Dianov, like other wounded prisoners of war, did not receive proper medical care. The Russians removed a stabilising splint from his arm without anaesthesia. He was also mistreated in other ways. "They wrapped tape around my head, then pressed my stomach with their legs so they could wrap me tighter. I spent a day and a half like that," he later recalled (Onet, 2022). The tape left him with a scar on the tip of his nose.

On 21 September, Mykhailo was freed from Russian captivity along with 214 defenders of Mariupol (Barsukova, 2022). His last moments in captivity were not easy. "We were stripped naked. They took off our medical dressings, everything. They searched us. Then we had to squat for five hours, there was no bench. We just waited. We didn't know what would happen to us," Dianov reported (Onet, 2022).

After regaining his freedom, it emerged that the Azovstala defender had lost 40 kg of weight and that his right arm was missing 4 cm of bone. A photo of a devastated man with a crooked arm circulated the world. Mikhail Dianov had to undergo long-term treatment in the USA, which was funded by private sponsors. Before undergoing corrective surgery, however, he has to gain 20 kilograms (Bondarenko, 2022).

On 23 February 2023, a former prisoner of war of the Olenivka camp gave an interview to the portal "News from the Azov region" (ukr. Nowyny Pryazowja). "I thank the wonderful doctors I am recovering. My hand has almost healed. Now only physiotherapy awaits me.... I have regained the necessary weight. When I regain fitness in my hand, I will return to the sport I played while serving in the Marines. Everything will be fine" - Dianov told. After his convalescence, the Ukrainian military officer plans to return to the front (Badyuk, 2023).

Another case worth mentioning was the story of Yulia Pajewska “Tajra”, a medical rescuer born in Kiev in 1968. Pajeevskaya had served at the front since 2014. She formed her own branch of volunteer military doctors, “Tajra's Angels”. After the 2022 armed attack on Ukraine, the woman was in Mariupol, where she helped deliver the wounded to the city's hospitals. Russian Federation military officers detained Pajeevskaya on 16 March when she tried to take local women and children by bus to Zaporizhia. The rescuer, along with her driver, was taken prisoner.

The day before, she had managed to hand over unique footage from besieged Mariupol in the first weeks of the war to Associated Press journalists (Kyptenko, 2022). Even then, she was hailed in the Ukrainian media as a heroine who helped save the lives of hundreds of soldiers. “Tajra” was released after three months. On 17 July 2022, this fact was reported by President Volodymyr Zelenski (Pryazovja and Badiuk, 2023). On 8 March 2023, Julia Pajewska “Tajra” received the International Women of Courage Award in Washington DC. The award was presented by First Lady Jill Tracy Biden and US Secretary of State (Górzyński, 2023).

After regaining her freedom, the woman contributed to the Ukrainian and foreign press, recounting her experiences. As a prisoner of war, the rescuer was held, among other things, in a detention centre in Donetsk, where she was beaten and humiliated. She could not reveal details about this due to the ongoing investigation. However, she described the conditions in which she and other women were held, the lack of hygiene facilities, the lack of access to medical assistance, the cramped three-by-six-metre cells with up to 22 people” (Kyptenko, 2022).

An indication of how harsh the experience of being in Russian prisoner of war camps could become is evidenced by Pajeevskaya's response to the question: what would you say to Ukrainian prisoners of war if they could hear you. “Wherever you are, whatever they tell you, remember that it is a lie. They will accuse you of everything, they will torture you, sometimes the pain will be unbearable.

They will lie that Ukraine has already lost, that the whole world has abandoned you and you don't need anyone. [...] You cannot trust the enemy. [...] These are ruthless people who have lost their common sense through propaganda. I was helped by the realisation that this horror will end sooner or later, that it will not last forever. You just have to find the strength and patience to endure it with dignity” (Kyptenko, 2022).

Hundreds, if not thousands, of similar dramas took place in the occupied territories of Ukraine. Not all of them had such a happy ending as the stories of Mykhailo Dianov and Yulia Payevskaya. Anatoly Vabishchevych, a resident of the village of Pisky-Rad'kivske (Kharkiv region), was a witness to such a case. After occupying the village in the summer of 2022, the Russian army conducted a raid in an attempt to capture former soldiers who had participated in the ATO.

Around 15 people were detained in the village, including people who were not part of the military personnel. During the operation, a close relative of Anatoly Vabishchevych was severely beaten with rifle butts in the yard of his own home. The man suffered crushed kidneys, broken ribs and damage to his lungs. He died despite medical attention (Petrunyok, 2023).

#### **4. Conclusions, Proposals, Recommendations**

The large-scale use of torture by official state institutions is a serious problem. Similar practices not only violate international legal and ethical norms, but are a sign of the sickness of statehood or a systemic failure to respect fundamental values and humanitarian ideas. The use of torture by the armed forces, or by security and law enforcement authorities, is a blatant abuse of power. Such actions may indicate a lack of accountability of power, weakness of oversight institutions and inadequacies in the justice system.

In non-democratic countries such as the Russian Federation, the use of torture serves a variety of purposes. For example, representatives of an authoritarian regime often resort to physical and psychological inflictions to obtain information on the activities of the opposition, resistance groups or other political opponents.

However, similar practices are not a source of certain and reliable knowledge. Firstly, the harassed person may fall into a state of deep disorientation and confusion. In such a situation, there is a risk that the information obtained from him or her will be misleading or inaccurate. Secondly, some people, despite extreme pressure and pain, remain steadfast and do not disclose information. Moreover, there are cases where people under torture decide to commit suicide to avoid further suffering and disclosure of secrets. Thirdly, the person being interrogated may give false information in order to deceive the interrogators. In similar circumstances, torture has negligible effectiveness.

In non-democratic countries, the use of torture can serve as a tool to control society, to sustain an atmosphere of fear and terror. While similar tactics bring benefits to an authoritarian regime, in the long term they generate a number of problems that usually outweigh the gains.

First of all, the population loses trust in institutions that do not respect human rights. The use of torture can generate social tensions, discontent and resistance to authority in the form of mass protests and riots. The use of torture by state authorities creates conditions conducive to increased crime and acts of terrorism, as victims of brutal treatment may become more inclined to violence as a means of retaliation or resistance to authority.

Furthermore, states that use torture risk international isolation, criticism and sanctions from other countries and international organisations. All this consequently

leads to social destabilisation, political tensions, internal conflicts and difficulties in maintaining public order.

## 5. Conflicts of Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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