JUSTICE AND CORRECTIONS UPDATE





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JUSTICE AND CORRECTIONS SERVICE

This Update has been produced by the Justice and Corrections Service (JCS – formerly known as the Criminal Law and Judicial Advisory Service). JCS is part of the Office of Rule of Law and Security Institutions (OROLSI) within the United Nations Department of Peacekeeping Operations (DPKO).

JCS supports the work of justice and corrections components in United Nations peacekeeping and special political missions around the world. Together, we assist host countries to deliver basic justice and prison services, strengthen criminal justice systems and facilitate rule of law reforms. Justice and corrections interventions contribute to improving security, preventing conflict, protecting civilians, extending the authority of the State and promoting accountability for serious crimes that fuel conflict. By strengthening the rule of law, justice and corrections components in peace operations further the overall political objectives of the mission to bring about and sustain peace.

INTERVIEW WITH SRSG PAGE:

"The MINUJUSTH justice and corrections mandate is very exciting"

From 2004 until mid-October 2017, the United Nations Stabilization Mission in Haiti (MINUSTAH) supported the stabilization of the country. After a successful electoral cycle, MINUSTAH was succeeded by the UN Mission for Justice Support in Haiti (MINUJUSTH), which will assist the Government of Haiti to strengthen rule of law institutions in Haiti; further support and develop the Haitian National Police and engage in human rights monitoring, reporting, and analysis. We interviewed the new Special Representative of the Secretary-General (SRSG), Susan D. Page, who was appointed in November.

JCS: Congratulations on your appointment. Could you please explain to our readers why there is a new peacekeeping mission in Haiti? How is MINUJUSTH different from MINUSTAH?

SRSG Page: "Thank you. The onus of this Mission is really on justice actors, and we no longer have a military presence. The mandate is innovative, as it incorporates a transition plan to move from peacekeeping to sustainable development, and uses new tools such as Mobile Teams to address rule of law challenges at the community level and to communicate key needs to the Government. Mobility is important, as the mission has a light footprint, and we no longer have regional offices. The Mission also uses my good offices, political outreach, and strategic communications as tools of mandate delivery, because many of Haiti's rule of law challenges are very political."

JCS: What will MINUJUSTH do in the justice and corrections sectors?

SRSG Page: "The MINUJUSTH justice and corrections mandate is very exciting. We are supporting national authorities to strengthen independence and accountability mechanisms, and there seems to be quite an appetite to fight corruption in Haiti! We will also advocate for the adoption of key draft legislation, such as the criminal code and a new law on prisons, which will update the laws of the country in line with current challenges and best practices. MINUSTAH was instrumental in decreasing the pre-trial detention rate in Haiti, and we will continue to promote the provision of legal aid through Legal Aid Offices. Our corrections officers will work in key prisons to provide advisory and technical support, and we will advocate for the strengthening of the Direction de l'administration pénitentiaire. We will also support counterparts in the rehabilitation and reintegration of detainees. As you can see, a lot remains to be done."

JCS: What is needed for MINUJUSTH to succeed?

SRSG Page: "Government leadership, accountability and political will are essential. Many of the issues are endemic and have plagued Haiti for decades, including illegal arrests, corruption, the lack of professional investigations, the absence of state-funded criminal defence, a moribund judicial process, and prolonged pre-trial detention. To be effective, I believe the Mission should work on the implementation of the Sustainable Development Goals (SDGs), and particularly SDG 16 on peace, justice and strong institutions. We are currently using SDG indicators in budget planning, and in designing the work of our Mobile Teams. Utilizing the SDGs is making our cooperation with development partners and the Government more fruitful, and will assist the Mission to transition from peacekeeping to long-term development."

UPDATES FROM FIELD COMPONENTS



MINUSCÁ JÚSTICE AND CORRECTIONS NEWS

Further to its latest mandate under Security Council resolution 2387 (2017), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) continues to support efforts to strengthen the rule of law in CAR, including the operationalization of the Special Criminal Court (SCC). In recent months, MINUSCA and the United Nations Development Programme (UNDP) have assisted with:

- the selection and deployment of four (out of six) international magistrates as well as the selection and nomination of five national magistrates;
- the ongoing selection of the SCC's 20 national judicial police officers;
- the ongoing development of the SCC prosecutorial strategy, and the finalization of the victim and witness protection strategy and the outreach strategy; and
- the ongoing development of the draft Rules of Procedure and Evidence for the SCC.

In June, the SCC Special Prosecutor met in New York with United Nations leadership, Member States and other key interlocutors. In September, the Reference Group of Member States – chaired by Morocco – met to discuss its support for the SCC and the CAR police, judiciary and corrections services more generally.



Swearing in of the Special Prosecutor of the CAR Special Criminal Court, Toussaint Muntazini Mukimapa (Photo: MINUSCA).

MINUSCA is also prioritizing efforts to demilitarize the national prison service. This is being done by facilitating the recruitment and training of 300 civilian prison personnel, and advising on the establishment of a national prison headquarters to ensure leadership, accountability and oversight of the prison service. As a part of an overall strategy to enhance public safety, 108 specialized MINUSCA Government-Provided Personnel are deployed in key prisons. They are helping to improve prison security and foster humane conditions for prisoners through robust mentoring and training of CAR prison personnel.

FIGHTING TERRORISM AND STRENGTHENING PRISON SECURITY IN

In recent months, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) has continued to strengthen the capacity of national authorities to combat impunity and protect civilian populations through its support for the Pôle Judiciaire Spécialisé en matière de lutte contre le terrorisme et la criminalité transnationale organisée - the Malian specialized judicial unit which has exclusive national jurisdiction over terrorism and transnational organized crime cases in Mali.

The Mission is working to strengthen the technical capacities of the Pôle Judiciaire and to identify better approaches, to ensure that those suspected of these destabilizing crimes are arrested and are fully and fairly investigated and prosecuted. The Pôle Judiciaire is processing cases with the support of MINUSMA, the United Nations Office on Drugs and Crime (UNODC) and other partners under the Global Focal Point arrangement for Police, Justice and Corrections. Its work will bolster the efforts of the newly established G5 Sahel Joint Force, by which Burkina Faso, Chad, Mali, Mauritania and Niger are working together to combat terrorism and transnational organized crime in the region.

With the aim of helping to prevent prisons in Mali from becoming breeding grounds for violent extremism, MINUSMA is also supporting national authorities to strengthen prison security by:

- successfully advocating for the adoption in August 2017 of an inter-ministerial order mandating prison security plans in each prison and its implementation, together with corresponding training for staff; and
- reinforcing security in the Bamako prison as well as in other prisons, for the effective management of high-risk prisoners.



High-level seminar on developing the Libyan prison sector, Tunis, May 2017 (Photo: Hassan Rezaei, UNSMIL).



Before the MINUSMA-supported restoration of Timbuktu's court archives (Photo: MINUSMA).

ADDRESSING PRE-TRIAL DETENTION IN LIBYA

High rates of prolonged and arbitrary pre-trial detention can cause insecurity in prisons, erode a population's confidence in its government and undermine endeavours to instill the rule of law and protect human rights. The situation of pre-trial detainees is a major challenge in peace operation settings, including Libya. According to figures recently released by the Libyan Ministry of Justice, an estimated 75 per cent of Libya's 6,400 inmates are awaiting trial. Many of these individuals have been detained since the 2011 armed conflict. Efforts to address prolonged and arbitrary pre-trial detention or to hear the cases of pre-trial detainees quickly are impeded by Libya's ongoing political and security challenges.

In May, the United Nations Support Mission in Libya (UNSMIL) organized a high-level seminar in Tunis on "developing the prison sector by improving cooperation between the Libyan judiciary and judicial police" (i.e. corrections officers and court personnel who provide security and enforce orders). The seminar targeted key members of the judiciary, prosecution services, prison administration and civil society from across Libya. Participants discussed obstacles to cooperation between criminal justice actors, including the existing legal framework and judicial security. Recommendations to enhance cooperation between the judiciary and judicial police - and thus reduce the number of pre-trial detainees – included establishing joint committees focusing on prisons with the highest numbers of pre-trial detainees and increasing inspection visits by public prosecutors to the prisons.

UNSMIL continues to hold regular meetings with the Minister of Justice, the Director-General of the Judicial Police and members of the judiciary to support the implementation of the seminar's recommendations.

PREVENTING VIOLENT EXTREMISM IN SOMALIA'S PRISONS

Since 2016, the United Nations Assistance Mission in Somalia (UNSOM) has been supporting the national prison authorities in South-West State, to weaken the threat to peace and security posed by Al-Shabaab in the region.

Parts of South-West State remain target areas for forced and voluntary recruitment by Al-Shabaab. The rehabilitation and reintegration of convicted former Al-Shabaab or Al-Shabaab associated fighters, is a critical challenge for these high-risk prisoners wanting change, the prison authorities and local communities in Baidoa.

The UNSOM-designed Rehabilitation Project for High-Risk Prisoners in Baidoa Central Prison (Project) aims to assist with the reintegration of convicted high-risk prisoners into the community and reduce their likelihood of returning to violent extremism upon release from prison. The Project delivers targeted disengagement initiatives for prisoners during pre-release preparations and identifies disengagement support post-release. A fundamental aspect of the programme is psycho-social intervention and increased community engagement in both the pre-release and post-release phases.

UNSOM secured funds from the United Nations Peacebuilding Fund for the initial pilot phase. The Project's success catalyzed new funding from Sweden in July 2017, which has enabled the Baidoa Custodial Corps to move the Project into its second phase in partnership with implementing NGOs supported by UNSOM Corrections Advisors deployed in Baidoa. Planning for the third phase of the Project in 2018 is underway.

The Project has been instrumental in understanding local motivations for joining Al-Shabaab and the group's recruitment strategies, improving dynamic prison security and creating a prison environment conducive to disengagement and rehabilitation efforts. The local administration has praised the Project for improving confidence in and the overall functioning of the criminal justice chain and encouraging the reintegration of former Al-Shabaab members into their communities.



UNSOM and Sweden familiarization visit to Baidoa Prison, Somalia (Photo: UNSOM).



Inspection of the Todee Magisterial Court by the Liberian judiciary and UNMIL Justice Team (Photo: Peter Jones, UNMIL).

UNMIL ACHIEVEMENTS a brief retrospective

On 31 March 2018, the United Nations Mission in Liberia (UNMIL) will close down after 14 years of operations. Rule of law support has been at the forefront of evolving UNMIL mandates; some highlights of the Mission's justice and corrections work include the following:

- Within the last 10 years, prison escapes throughout the country fell by almost 85 per cent, with only 26 escapes in 2017.
- With the support of UNMIL, the Peacebuilding Commission and other partners, rule of law institutions are now operational in all 15 counties, with over 380 judges, 80 prosecutors and 35 public defenders deployed throughout the country.
- The Special Sexual and Gender-Based Violence Crimes Unit, established in 2009 with UNMIL support, has to date issued 374 indictments.
- The Mission-supported pre-trial case review mechanism has led to the fast-tracking of 7,879 cases to date, resulting in a reduction in the prison population.
- The UNMIL-supported Anti-Corruption Commission has now investigated 13 high-level corruption cases, with two convictions at the Circuit Court level and five cases pending hearing at the Supreme Court.

At the moment of closure serious challenges persist, including with respect to judicial independence and arbitrary and prolonged pre-trial detentions. A joint rule of law programme with the United Nations Development Programme (UNDP) will continue to facilitate the efforts of national stakeholders as they move towards sustained stability and the rule of law. In addition, a major lessons identification study is currently being undertaken with the International Security Sector Advisory Team (ISSAT), the DPKO Office of Rule of Law and Security Institutions (OROLSI) and the Office of the High Commissioner for Human Rights (OHCHR) to review the Mission's rule of law work since its inception. This study will inform future rule of law support in Liberia as well as mandate formulation, implementation and transitions in other peace operations.

CASELOAD REDUCTION

PROJECT IN KOSOVO



A key challenge for the administration of justice in Kosovo is the high backlog of cases, estimated at 358,135 cases in June 2017. The attendant delays erode the confidence of the population in justice institutions and undermines the rule of law. As part of its commitment to promote the rule of law, societal reconciliation and inter-community trust building, the United Nations Mission in Kosovo (UNMIK) has spearheaded a project to reduce the backlog of cases at the Basic Court of Mitrovicë/Mitrovica, a key institution in one of the most sensitive regions of Kosovo.

Since May 2016, UNMIK has partnered with the United Nations Office for Project Services (UNOPS) and a local NGO to sponsor 117 legal interns (90 Kosovo-Albanians and 27 Kosovo-Serbs), who helped process 3,500 criminal cases in 2016 and 3,407 criminal cases in 2017. In doing so, the interns gained substantive professional experience and spent time with other young professionals from different communities in the Mitrovica region. Given the success of this initiative, UNMIK has taken steps to replicate it in future programming, under which UNMIK will partner with other United Nations entities and use its access to multi-ethnic communities to implement projects which support Kosovo's rule of law institutions and facilitate access to justice.

D 22 Sudnica Courtroom

Basic Court of Pristina, Kosovo (Photo: Sanam Dolatshahi, UNMIK).

PHOTOS FROM THE FIELD











- 1) UNMISS Corrections Officers conduct a routine search of a detainee in Malakal, South Sudan (Photo: UNMISS).
- 2) United Nations Secretary-General, António Guterres, in the Central African Republic. Before his visit, the Secretary-General emphasized the role of the Special Criminal Court in sustaining peace (Photo: MINUSCA).
- 3) UNSOM consultative meeting to collect women's opinions on the traditional justice system, Somalia (Photo: UNSOM).
- 4) UNAMID handover of a Quick Impact Project to the Prosecution Office in West Darfur State (Photo: UNAMID).
- 5) Women lawyers participating in the Kandahar Legal Aid Conference organized by UNAMA (Photo: UNAMA).

SUPPORTING CRIMINAL JUSTICE REFORMS IN GUINEA-BISSAU

The United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) provides strategic and technical support to the Bissau-Guinean criminal justice and penitentiary systems, including by assisting the national authorities to update policies and legislation, and to draft a strategic plan for prison reform. The prison reform plan, consulted country-wide with authorities and civil society, will help define options and priorities that best meet public interests, further to broader efforts to address impunity and instability.

The plan was developed within the framework of the annual High-Level National Justice Forum, established in 2010. It was recently shared with the Thematic Working Group on Justice and Human Rights, which was founded in July 2017 to help strengthen operational coordination in the justice sector. The prison reform plan will address some of the main challenges in the governance of Guinea-Bissau's prisons, including security, capability development, socioeconomic reintegration and compliance with international standards for the treatment of inmates. Penitentiary reforms are a key part of the national strategy on the rule of law and security sector reform, approved by Parliament in 2006.

The development and implementation of the prison reform plan, which includes measures to reduce prolonged pre-trial detentions, is a key priority of the UNIOGBIS / United Nations Country Team (UNCT) Joint Programme for Police, Justice and Corrections. The Joint Programme, which was signed by United Nations partners and the Government of Guinea-Bissau on 30 August 2017, will support projects to enhance the capacities of prison guards, address transnational organized crime and promote the more effective provision of justice.

Funding for the Joint Programme has been received, inter alia, from the African Development Bank, the United Nations Office on Drugs and Crime (UNODC), the United Nations Development Programme (UNDP) and the Inter-Agency Security Sector Reform Task Force.

UNIOGBIS continues to provide strategic and technical support during preparations for the next High-Level National Justice Forum, which will convene in early 2018 under the patronage of the President of the Republic and other key interlocutors. The Forum, organized by the Ministry of Justice, plays a pivotal role in setting the direction of criminal justice reforms and strategically coordinating national and international partners. The 2018 Forum will focus on "criminal justice: security and development" and canvas the increasing threats posed by terrorism, money laundering and other transnational crimes.



Prison visit to Bafata, Guinea-Bissau (Photo: UNIOGBIS)



In February 2017, a joint team from the United Nations Department of Peacekeeping Operations (MINUSTAH and the Justice and Corrections Service) and the USAID Justice Sector Strengthening Program (JSSP) – supported by the International Security Sector Advisory Team (ISSAT) and the International Development Law Organization (IDLO) – undertook a mission to Haiti. The team examined the MINUSTAH-supported *Bureaux d'Assistance Légale* (BAL) of Port-au-Prince (2012-2017), Cap-Haïtien and Les Cayes (2015-2016), the legal aid projects implemented by PROJUSTICE/USAID, and the Government-supported BAL established between 2015 and 2017.

According to the team's July 2017 report, initiatives such as the MINUSTAH BAL programme and legal aid projects implemented by PROJUSTICE/USAID can play an essential role in helping to build public trust and confidence in national rule of law institutions. This, in turn, helps to reduce excessive pre-trial detention and enhance the administration of justice. Missions should:

- ensure that legal aid is a component of any national justice reform strategy;
- consider that legal aid initiatives can contribute to the professional development of a large number of young lawyers; and
- advocate for legal aid models which include existing service providers.

UPDATES FROM NEW YORK

THE GROUP OF FRIENDS OF CORRECTIONS MET IN NEW YORK

In June 2017, the Permanent Mission of Canada to the United Nations hosted the annual meeting of the Group of Friends of Corrections in Peace Operations (GoF). The GoF is a United Nations Member States-driven initiative, which provides expert advice and support on correctional issues to DPKO.

A high-level event explored the linkages between a robust prison security framework in host countries of United Nations peace operations and the broader peace and security agenda of the Security Council. The event attracted approximately 40 representatives from Member States, United Nations partners, think tanks and non-governmental organizations.

In his opening remarks, the Under-Secretary-General for Peacekeeping Operations, Jean-Pierre Lacroix, explained how the safe, secure and humane detention of violent offenders - including potential spoilers



of peace processes and members of extremist groups - can significantly contribute to public safety in host countries of United Nations peace operations, while helping to build the population's trust. He emphasized that strong and coordinated support to police, justice and corrections institutions is important as "the linkages between terrorism, conflict and the rule of law are clear". The GoF is currently chaired by Canada; Burkina Faso will take over the chairmanship in February 2018.



ACCESS THE WEBSITE OF THE GROUP OF FRIENDS

TRAINING AND EVENTS













- 1) Pre-deployment "Training of Trainers" for Corrections Officers, Stockholm, October 2017 (Photo: Andreas Björklund, Swedish Prison and Probation Service).
- 2) "Breaking the Cycle Between Organized Crime and Violent Conflict", panel discussion sponsored by the United States Institute of Peace, Swedish Permanent Mission to the United Nations, DPKO OROLSI and UNODC, New York, November 2017 (Photo: Cecilia Pellosniemi, JCS).
- 3) Global Focal Point for Police, Justice and Corrections workshop on joint programming, Entebbe, August 2017 (Photo: Cornelia Schneider, JCS).
- 4) United Nations Deputy Secretary-General, Ms. Amina Mohammed, presenting at the UNDP Annual Rule of Law Meeting: Strengthening the Rule of Law for Sustaining Peace and Fostering Development, New York, June 2017 (Photo: UNDP).

 5) Pre-deployment training for United Nations Corrections Officers (UNPriPOC) at the Swedish Armed Forces International Centre, Stockholm, August-September 2017 (Photo: Ann-Christine Henriksson, Swedish Prison and Probation Service).

 6) Under-Secretary-General for Peacekeeping Operations, Mr. Jean-Pierre Lacroix (right), meets JCS staff, New York, May 2017 (Photo: UN Police Division).

GOVERNMENT-PROVIDED PERSONNEL

GOVERNMENT-PROVIDED PERSONNEL (GPP)

There are currently 343 authorized corrections and 39 authorized justice government-provided personnel (GPP) posts across 10 United Nations peace operations. GPP are officers provided by Member States that perform a range of highly specialized functions for which expertise is required that is generally found only in government services, and is thus most effectively drawn from Member States.

GPP bring a wide range of expertise to peace operations, including in military and civilian justice and prosecutions, custodial management, prison security and prison policy development. JCS continuously reaches out to Member States to encourage new nominations in line with identified expertise needs, particularly women and French-speaking officers.

For further information on the GPP modality, please e-mail icssecondment@un.org or call (+1) 917 367 4576.

GPP REQUIREMENTS



Possess United Nations core values and competencies



Be 25 years of age or older



Have a minimum of five years of work experience in justice or corrections



Possess the educational qualifications and specialized experience stipulated in the terms of reference



Be proficient in English and/or French



Possess basic computer skills



Possess a driving license and have experience driving a 4-wheel drive manual shift



MISSION: United Nations Stabilization Mission in Haiti (MINUSTAH)/ United Nations Mission for Justice Support in Haiti (MINUJUSTH)

BACKGROUND: Criminologist with 25 years of experience with the Canadian correctional service.

JOB DESCRIPTION: With ever-increasing populations, prisons in Haiti are plagued by serious shortages of food. To improve such conditions, and with the aim of maintaining a secure and stable environment, Ms. Turcotte provides technical and policy support on the implementation of action plans of the Haitian penitentiary services, including on gender mainstreaming.

EXPERIENCE: Ms. Turcotte emphasizes that GPP would not be needed if corrections work in peacekeeping were easy. According to Ms. Turcotte, peacekeeping missions are like "microcosms of the world", and the generally male dominated environment of corrections has not been an obstacle for her. She has been able to draw on the experience of her diverse colleagues, including during the transition of MINUSTAH to MINUJUSTH. Ms. Turcotte believes that there are many experiences she can take back to Canada.

MISSION: United Nations Multidimensional Integrated Stabilization in the Central African Republic (MINUSCA)

BACKGROUND: Corrections Officer with over 16 years of experience with the corrections system in Burkina Faso and in peacekeeping settings.

JOB DESCRIPTION: Mr. Banazaro provides on-site specialized support at the Camp de Roux detention centre after the mass escape of 687 prisoners in Bangui in September 2015. This work includes technical support and advice in rapid intervention, incident management, and detention conditions, including through rehabilitation of prisons, all part of MINUSCA's initiative on the demilitarization of prisons.

EXPERIENCE: Mr. Banazaro encourages others in Burkina Faso and elsewhere to join him, as he finds working in a post-conflict setting deeply rewarding despite multifaceted challenges. In the field, simple operational acts have a real effect on prison conditions and ripple effect on the security of the wider community. Mr. Banazaro emphasized the need to have an appetite for learning, and understanding that corrections GPP are not deployed to replace national counterparts.



RAPID DEPLOYMENT

The Justice and Corrections Standing Capacity (JCSC) is part of JCS, based at the United Nations Global Service Centre in Brindisi, Italy. The JCSC is a small team of rapidly deployable justice and corrections experts, who assist justice and corrections components in peace operations (particularly during mission start-up, surge and transition phases).



JCSC experts en route to a deployment (Photo:

JUSTICE AND CORRECTIONS STANDING CAPACITY DEPLOYMENTS SINCE JUNE 2017

MINUSMA, MALI (MARCH - SEPTÉMBER 2017)

A Corrections Officer provided strategic guidance on high-risk prisoners suspected/convicted of terrorism and transnational crimes terrorism and transnational crimes and drafted project proposals for securing or upgrading prisons in Bamako, Dioila, Mopti, Gao and Kayes. These efforts helped to maximize the impact of the Pôle judiciare.



MINUJUSTH, HAITI (16 OCTOBER - PRESENT)

A Corrections Officer has been deployed to assist with the start up of the new Mission.

UNMISS, SOUTH SUDAN (JUNE - JULY 2017)

A Judicial Affairs Officer assisted in exploring national accountability mechanisms to investigate and prosecute the commission of serious crimes, including inter-communal and conflict-related sexual violence



MINUSCA, CENTRAL AFRICAN
REPUBLIC
(JULY – OCTOBER 2017)

A Corrections Officer was deployed to assist with recruitment, the results-based budget process and the implementation of corrections projects. Achievements included the completion of a project proposal for the construction of a high security modular prison facility in partnership with UNOPS.

UNMIL. LIBERIA (NOVEMBER 2017 - PRESENT)

The JCSC Team Leader deployed to support
the closure of the Mission's rule of law component and coordinate the finalization of Mission's legacy documents, including a lessons learned study. A Corrections Officer will also participate in the study.

UNSOM, SOMALIA (AUGUST - OCTOBER 2017)

A Judicial Affairs Officer supported the coordination of international partners investing in the rule of law in Somalia and coordinated the evaluation of the existing United Nations joint rule of law programme and the design of its next phase.

MONUSCO. DR CONGO (JULY - SEPTEMBER 2017)

The JCSC Team Leader temporarily managed the Mission's Justice and Corrections Section, and played a key role in the 2017 Strategic Review.

QUNPEACEKEEPING STAY IN TOUCH **QUN OROLSI**









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