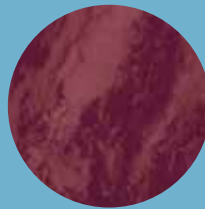


# International Law & Human Rights

## New and Forthcoming Publications

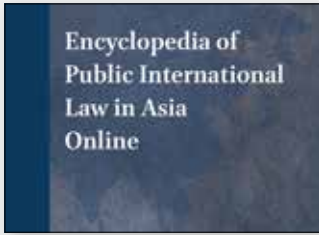
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## Encyclopedia of Public International Law in Asia Online

Editor: **Seokwoo Lee**

Incorporating the work of numerous leading scholars, the Encyclopedia of Public International Law in Asia provides a detailed description of the practice and implementation of international law in various Asian states. The Encyclopedia covers the introduction of Western international law and the resulting shift from the older Asian order; the development of modern international law; and the impact that all of this has had on Asian states.

Offered online and in print as three geographically-organized volumes – Northeast Asia, Southeast Asia, and Central and South Asia – this reference work provides valuable information for all those interested in the historical development, implementation, and application of international law in Asia. Although there is general acknowledgement of the great variety of cultures among Asian countries, strong themes of familiarity, mutual understanding, coherence, and solidarity persists among them as a result of the numerous mutual cultural and

religious contacts and interconnections that developed over the course of centuries. This examination of international law and its application in Asia reveals the shared history of the continent, as well as its unique development in each Asian state.

Each jurisdiction included in the Encyclopedia follows a standard structure for the broadest comparative advantage and starts with a Country Snapshot (Date of Independence, Date of Admission to the United Nations, Geographical Size, Population, Demographic Information, Form of Government, System of Law), followed by a State Report Overview (Executive summary of state report, Key highlights of unique state practice).

Coverage of the jurisdictions include the following items/chapters (where applicable):

- The State in International Law
- Institutional Relations
- Particular International Law Subjects

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# The Law Reports of the Special Court for Sierra Leone



## The Law Reports of the Special Court for Sierra Leone *Volume IV: Prosecutor v. Sesay, Kallon and Gbao (The RUF Case) (Set of 3)*

Edited by **Charles C. Jalloh** and **Simon M. Meisenberg**

The Special Court for Sierra Leone was established through signature of a bilateral treaty between the United Nations and the Government of Sierra Leone in early 2002, making it the third modern ad hoc international criminal tribunal. It has tried various persons, including former Liberian President Charles Ghankay Taylor, for serious violations of international humanitarian law committed during the latter half of the Sierra Leonean armed conflict. It completed its work in December 2013. A new Residual Special Court for Sierra Leone, based in Freetown and with offices in The Hague, has been created to carry out its essential “residual” functions.

This volume, which consists of three books and a CD-ROM and is edited by two legal experts on the Sierra Leone Court, completes the set of edited Law Reports started in 2012. Together, the Law Reports fill the gap of a single and authoritative reference source of the tribunal’s jurisprudence. The law reports are intended for national and international judges, lawyers, academics, students and other researchers as well as transitional justice practitioners in courts, tribunals and truth commissions, and anyone seeking an accurate record of the trials conducted by the Special Court for Sierra Leone.

N.B.: The hardback copy of this title contains a CD-ROM with the decisions that are reproduced in the book and the trial transcripts.

September 2021  
Hrdback (Ikvii, 3832 pp., 3 vol. set with CD-ROM)  
ISBN 9789004221659  
Price € 1,348 / US\$ 1,618  
E-ISBN 9789004221666  
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Imprint: Brill | Nijhoff



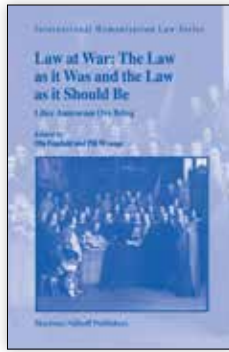
## Military Necessity in International Cultural Heritage Law

**Berenika Drazewska**,  
British Institute of International  
and Comparative Law

Berenika Drazewska's book offers a comprehensive scholarly analysis of the current meaning of military necessity in the international legal framework for the protection of cultural heritage during armed conflicts.

**READERSHIP:** All interested in the protection of cultural heritage during armed conflicts (and the protection of common goods under international law more generally), in addition to research institutes and military academies.

December 2021  
Hardback (approx. 435 pp.)  
ISBN 9789004432550  
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E-ISBN 9789004432567  
E-Price € 165 / US\$ 198  
*International Humanitarian Law Series, 61*  
Imprint: Brill | Nijhoff



## Unravelling Unlawful Confinement in Contemporary Armed Conflicts

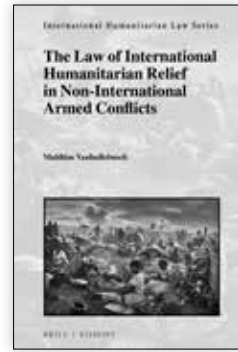
*Belligerents' Detention Practices in Afghanistan, Syria and Ukraine*

**Jelena Plamenac**, Centre for  
International Law Research  
and Policy

International humanitarian law protects against unlawful confinement only in international armed conflict. And yet most of unlawful detentions arise as governments and armed groups resort to violence in over 65% of armed conflicts today that are not of an international character.

**READERSHIP:** The book would be of utmost interest to relevant domestic and international institutions such as international and regional research institutes specialised in international law and policy.

December 2021  
Hardback (approx. 285 pp.)  
ISBN 9789004470538  
Price € 138 / US\$ 166  
E-ISBN 9789004470552  
E-Price € 138 / US\$ 166  
*International Humanitarian Law Series, 60*  
Imprint: Brill | Nijhoff



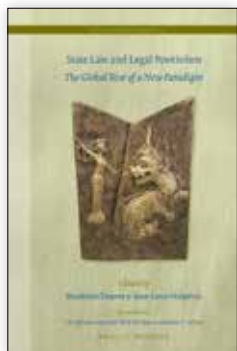
## The Law of International Humanitarian Relief in Non-International Armed Conflicts

**Matthias Vanhullebusch**,  
Shanghai Jiao Tong University,  
KoGuan School of Law

This first book-length treatment of the law of international humanitarian relief in non-international armed conflicts examines the rights and duties of fighting parties and international humanitarian relief actors and provides practical guidance for frontline humanitarian negotiators and legal professionals.

**READERSHIP:** Humanitarian (legal) professionals, frontline humanitarian negotiators, policy-makers, (academic) think-tanks and development institutes.

November 2021  
Hardback (approx. 520 pp.)  
ISBN 9789004469792  
Price € 215 / US\$ 258  
E-ISBN 9789004469808  
E-Price € 215 / US\$ 258  
*International Humanitarian Law Series, 59*  
Imprint: Brill | Nijhoff



## State Law and Legal Positivism

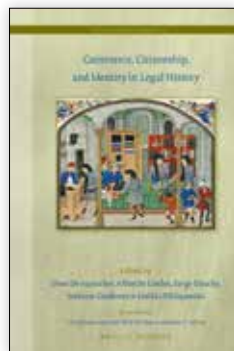
*The Global Rise of a New Paradigm*

**Badouin Dupret**, CNRS,  
and **Jean-Louis Halpérin**, Ecole Normale Supérieure de Paris

This volume formulates the hypothesis of a truly global revolution that reflected a Great Divide between ancient and new legal regimes. The volume brings together several case studies of transition from an ancient to a new legal regime characterized by the positivization of the law. This was an effect of Western imperialism, but also of local elites' conviction that positive law was an efficient instrument of governance. The contributors emphasize the depth and scale of the positivist legal revolution and explore the phenomenon whether it was the outcome of either direct colonialism (Morocco, Egypt, India) or indigenous reformism (Ottoman empire, China, Japan).

**READERSHIP:** This book is of direct relevance for both specialists and students in the history of law, positive law, legal theory, comparative law, connected and global history, and the history of Morocco, Egypt, the Ottoman Empire, India, China, and Japan. The first of its kind, it should directly interest all libraries.

December 2021  
Hardback (approx. 280 pp.)  
ISBN 9789004498655  
Price € 103 / US\$ 124  
E-ISBN 9789004498716  
E-Price € 103 / US\$ 124  
*Legal History Library, 55*  
Imprint: Brill | Nijhoff



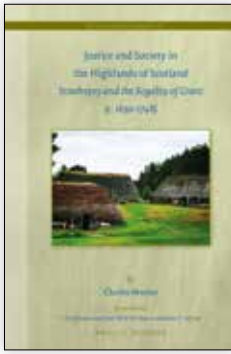
## Commerce, Citizenship, and Identity in Legal History

**Dave De ruyscher**, Albrecht  
Cordes, **Serge Dauchy**, **Stefania**  
**Gialdroni** and **Heikki Pihlajamäki**

Legal historians have analysed the characteristics of merchant guilds and *nationes* (i.e., associations of foreign merchants), as well as the political clout of merchants, including foreign ones. However, how the legal status of citizens related to the merchant class and how its contents were influenced by trade remains largely unclear.

**READERSHIP:** Scholars interested in commercial law history, economic history, and legal history.

November 2021  
Hardback (approx. 232 pp.)  
ISBN 9789004472853  
Price € 105 / US\$ 126  
E-ISBN 9789004472860  
E-Price € 105 / US\$ 126  
*Legal History Library, 54*  
Imprint: Brill | Nijhoff



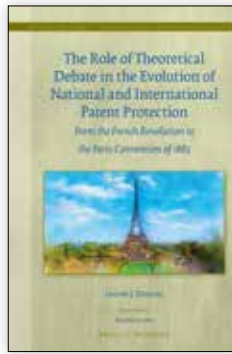
**Justice and Society in  
the Highlands of Scotland  
*Strathspey and the Regality  
of Grant (c. 1690-1748)***

**Charles Fletcher**

This book fills a significant gap in our current understanding of early modern Scottish history. It is the first systematic consideration of the workings of seigneurial courts of feudal lords in 18th century Scotland.

**READERSHIP:** All interested in eighteenth century Scottish studies, comparative legal history and the highlands of Scotland.

November 2021  
Hardback (approx. 272 pp.)  
ISBN 9789004472518  
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E-Price € 112 / US\$ 134  
*Legal History Library, 53*  
Imprint: Brill | Nijhoff



**The Role of Theoretical  
Debate in the Evolution of  
National and International  
Patent Protection**

*From the French Revolution  
to the Paris Convention of 1883*

**Louise J. Duncan**

This volume offers a detailed account of the development of national patent systems, and then moving on to the international sphere to discuss the factors which provided the impetus for the Paris Convention for the Protection of Industrial Property (1883).

**READERSHIP:** Anyone interested in intellectual property law, patents, the history of law, or economic history.

October 2021  
Hardback (approx. 360 pp.)  
ISBN 9789004469761  
Price € 118 / US\$ 142  
E-ISBN 9789004470125  
E-Price € 118 / US\$ 142  
*Legal History Library / Studies in the  
History of International Law, 52/20*  
Imprint: Brill | Nijhoff



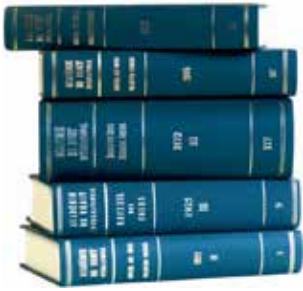
**Rwanda Revisited  
*Genocide, Civil War, and  
the Transformation of  
International Law***

Edited by **Phillip Drew**,  
Queen's University, **Bruce  
Oswald**, University of Melbourne,  
**Rob McLaughlin**, Australian  
National University, and  
**Jeremy Farrall**, Australian  
National University

Written by people selected for their personalized knowledge of the Rwandan genocide, *Rwanda Revisited: Genocide, Civil War, and the Transformation of International Law* provides a unique level of insight, detail and first-hand knowledge about the Rwandan genocide and its aftermath.

**READERSHIP:** All interested in the Rwandan genocide and the changes made in international peacekeeping operations and international law as a result.

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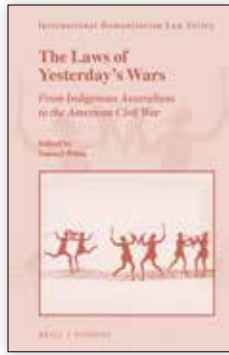
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*Tome 419*

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de la Haye / Hague Academy of  
International Law**

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Academy of International Law -  
Recueil des cours, 419*  
Imprint: Brill | Nijhoff



## The Laws of Yesterday's Wars

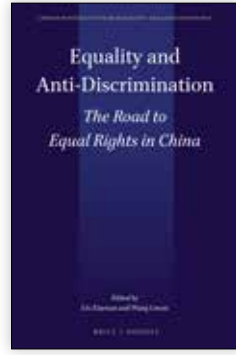
*From Indigenous Australians  
to the American Civil War*

Edited by **Samuel C. Duckett  
White**, Australian Defence Force

This book offers an exploration of unique laws and customs placed around warfare throughout history, from Indigenous Australians to the American Civil War.

**READERSHIP:** All interested in the history of war, the history of the law of armed conflict, and anyone concerned with comparative historical restrictions and customs.

November 2021  
Hardback (approx. 210 pp.)  
ISBN 9789004464285  
Price € 105 / US\$ 126  
E-ISBN 9789004464292  
E-Price € 105 / US\$ 126  
*International Humanitarian  
Law Series, 58*  
Imprint: Brill | Nijhoff



## Equality and Anti- Discrimination

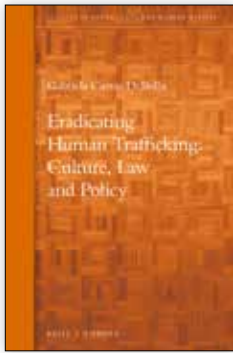
*The Road to Equal Rights  
in China*

Edited by **Liu Xiaonan**  
and **Wang Liwan**

In *Equality and Anti-Discrimination: The Road to Equal Rights in China*, Professors Liu Xiaonan and Wang Liwan collect experienced scholars in the field of anti-discrimination law to conduct deep discussions on the manifestations, causes, and solutions of discrimination issues in China.

**READERSHIP:** All interested in the equality and anti-discrimination, and anyone concerned with legal reform in modern China.

November 2021  
Hardback (approx. 345 pp.)  
ISBN 9789004421004  
Price € 226 / US\$ 272  
E-ISBN 9789004421011  
E-Price € 226 / US\$ 272  
*Chinese Perspectives on Human  
Rights and Good Governance, 7*  
Imprint: Brill | Nijhoff



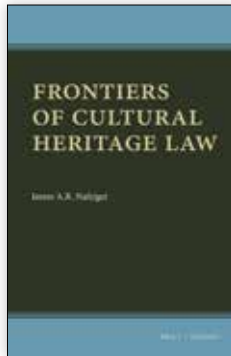
## Eradicating Human Trafficking: Culture, Law and Policy

**Gabriela Curras DeBellis**

With over 40 million people still enslaved around the world, this book takes a closer look at the role of culture in society and how certain practices, beliefs or behaviors are fueling human trafficking beyond what the law can curtail.

**READERSHIP:** This book would be of interest to academic institutions, libraries, organizations, private and public sector stakeholders, law enforcement and students across various disciplines.

December 2021  
Hardback (approx. 305 pp.)  
ISBN 9789004473331  
Price € 138 / US\$ 166  
E-ISBN 9789004473348  
E-Price € 138 / US\$ 166  
*Studies in Intercultural Human Rights, 11*  
Imprint: Brill | Nijhoff



## Frontiers of Cultural Heritage Law

**James A.R. Nafziger**, Willamette University College of Law and East China University of Politics and Law

In this book James Nafziger covers emerging topics of cultural heritage law, particularly at the international level, by focusing primarily on the numerous work products of the International Law Association's Committee on Cultural Heritage Law.

**READERSHIP:** Scholars, students and practitioners will all find the numerous documents and commentary to be of interest, as both an engaging narrative of cutting-edge developments in cultural heritage law and an accessible reference work.

September 2021  
Hardback (xiv, 402 pp.)  
ISBN 9789004347632  
Price € 193 / US\$ 232  
E-ISBN 9789004347649  
E-Price € 193 / US\$ 232  
Imprint: Brill | Nijhoff



## Humans on the Move

*Integrating an Adaptive Approach with a Rights-Based Approach to Climate Change Mobility*

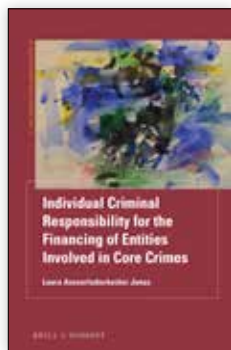
**Grant Dawson and Rachel Laut**

In *Human Mobility and Climate Change*, Grant Dawson and Rachel Laut examine the sufficiency of legal frameworks to address human movement relating to climate change impacts and the progressive transition to a more adaptive approach.

**READERSHIP:** Legal practitioners, policy makers, academics, students and all others interested in addressing human mobility in the context of climate change from a legal and policy perspective.

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Hardback (approx. 255 pp.)  
ISBN 9789004297609  
Price € 165 / US\$ 198  
E-ISBN 9789004298880  
E-Price € 165 / US\$ 198  
*International Refugee Law Series, 20*  
Imprint: Brill | Nijhoff





## Individual Criminal Responsibility for the Financing of Entities Involved in Core Crimes

**Laura Ausserladscheider Jonas**,  
Swiss Department of Justice and Police

Anchored by the normative framework, this book aims to clarify the basis for individual criminal liability for persons who finance entities that perpetrate core crimes. The objective of this monograph is to clarify the rules to enable international courts and tribunals to identify the extent to which individual criminal liability attaches to the financing of core crimes.

**READERSHIP:** Scholars in the field of international law and international criminal law, as well as international criminal law practitioners (judges, lawyers, clerks, etc).

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Hardback (approx. 235 pp.)  
ISBN 9789004470927  
Price € 110 / US\$ 132  
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E-Price € 110 / US\$ 132  
*Studies in International Criminal Law, 3*  
Imprint: Brill | Nijhoff



## Parental Guidance, State Responsibility and Evolving Capacities

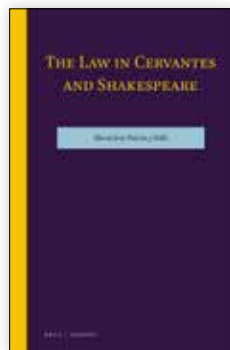
*Article 5 of the United Nations Convention on the Rights of the Child*

Edited by **Claire Fenton-Glynn**  
and **Brian Sloan**

In this book leading international scholars provide fascinating insights into the vital but enigmatic role of Article 5 of the Convention on the Rights of the Child.

**READERSHIP:** Scholars and students from a range of disciplines interested in children's rights and evolving capacities, as well as international human rights law more generally.

November 2021  
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Price € 116 / US\$ 140  
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E-Price € 116 / US\$ 140  
Imprint: Brill | Nijhoff

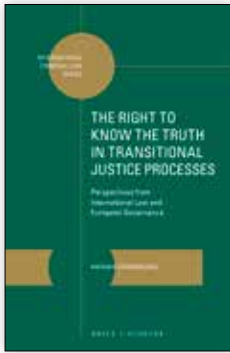


## The Law in Cervantes and Shakespeare

**María José Falcón y Tella**,  
Complutense University of Madrid

Building on her earlier work, *Law and Literature*, María José Falcón y Tella's new study takes a fresh look at the law in the works of two of the greatest authors in world literature: Cervantes and Shakespeare. In doing so, she examines subjects as wide-ranging as individual rights and freedoms, government and the administration of justice, criminal law, civil law, labor law; commercial law, and the treatment of mental illness, among others.

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Hardback (approx. 240 pp.)  
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E-Price € 193 / US\$ 232  
Imprint: Brill | Nijhoff



## The Right to Know the Truth in Transitional Justice Processes

*Perspectives from International Law and European Governance*

**Natasha Stamenkovikj**,  
Tilburg University

Dr. Natasha Stamenkovikj offers a comprehensive account of the right to the truth as a right in international law and an element in delivering justice through European governance.

**READERSHIP:** All interested in public international law, European law, human rights, transitional justice and post-conflict governance, comparative law, institutional decision making, criminal justice, and victims and victimology.

November 2021  
Hardback (approx. 430 pp.)  
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**New Series**

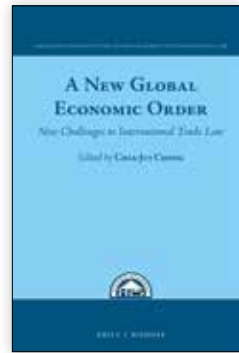
## A Geo-Legal Approach to the English *Sharia Courts Cases and Conflicts*

**Anna Marotta**

A study on the Islamic ADR institutions in England through the lens of Comparative Law and Geopolitics.

**READERSHIP:** Academic libraries, research institutions, scholars and (undergraduate, post-graduate and research) students in the following subject areas: law; law and: religion, anthropology, sociology; geopolitics; Islamic studies.

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*Comparative Law in Global Perspective, 1*  
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## A New Global Economic Order *New Challenges to International Trade Law*

Edited by **Chia-Jui Cheng**,  
Xiamen Academy of International Law

*A New Global Economic Order: New Challenges to International Trade Law* examines the dislocating effects of the policies implemented by the Trump Administration on the global economic order and brings together leading scholars and practitioners of international economic law come together to defend multilateralism against unilateralism and populism.

**READERSHIP:** It will appeal to students and teachers of international economic law and international relations as well as to international business lawyers, government officials, legislators.

November 2021  
Hardback  
ISBN 9789004470347  
Price € 195 / US\$ 234  
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Imprint: Brill | Nijhoff



**Capital, Market and the State**  
*Reconciling Free Movement of Capital with Public Interest Objectives*  
**Ilektra Antonaki**

This book explores how the EU free movement of capital provisions can be interpreted in order to allow certain forms of State participation in the market for the purposes of protecting public interest objectives in the context of privatisations and golden shares.

**READERSHIP:** This book is relevant to academics, post-graduate law students, academic libraries, legal practitioners, European institutions and other researchers in the field of EU law, EU Internal Market law and more broadly EU Economic law.

November 2021  
Hardback  
ISBN 9789004471450  
Price € 165 / US\$ 199  
E-ISBN 9789004473034  
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*Nijhoff Studies in European Union Law, 20*  
Imprint: Brill | Nijhoff



**Case-Law and the Development of International Law**  
*Contributions by International Courts and Tribunals*  
Edited by **Patrícia Galvão Teles** and **Manuel Almeida Ribeiro**

With a focus on issues of methodology and procedural aspects, case-law of the ICJ, ITLOS and Investor-State Dispute Settlement mechanisms, this book explores recent contributions by international courts and tribunals to the development of international law.

**READERSHIP:** All interested in the case-law of international courts and tribunals and International Law development.

December 2021  
Hardback  
ISBN 9789004467651  
Price € 149 / US\$ 179  
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E-Price € 149 / US\$ 179  
Imprint: Brill | Nijhoff

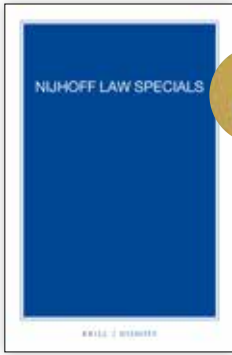


**Commentaries on World Trade Law: Volume 1**  
*Institutions and Dispute Settlement*  
Edited by **Laura Wanner**

The first volume of the six-volume *Commentaries on World Trade Law* fully revised second edition offers an introduction to the World Trade Organization by focusing on its institutional arrangements and dispute settlement system.

**READERSHIP:** International lawyers, scholars and students of WTO law, diplomats and international civil servants, members of NGOs.

December 2021  
Hardback  
ISBN 9789004436879  
Price € 231 / US\$ 278  
*Commentaries on World Trade Law, 1*



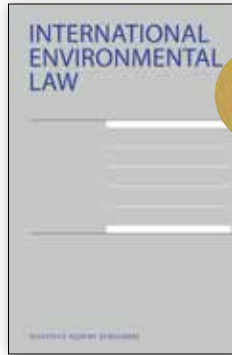
## Crisis Narratives in International Law

Edited by **Makane Moïse Mbengue** and **Jean d'Aspremont**

This volume offers a series of short and highly self-reflective essays by leading international lawyers on how global crises inform the functioning and theorizing of international law as well as how international law addresses global crises.

**READERSHIP:** This book is of immediate interest to a readership of both scholars and practitioners, International lawyers, including scholars, practitioners, PhD students, postgraduate students and International Relations scholars.

December 2021  
Paperback  
ISBN 9789004472358  
Price € 61 / US\$ 74  
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E-Price OPEN ACCESS  
*Nijhoff Law Specials, 104*  
Imprint: Brill | Nijhoff



## Through Your Eyes

*Religious Alterity and the Early Modern Western Imagination*

Edited by **Giovanni Tarantino**, University of Florence, and **Paola von Wyss-Giacosa**, University of Zurich

The focus of this volume is the early modern self-critical appropriation of the “religious other”. Processes of selfing/othering are observed through the lens of people dwelling in an ‘in-between’ space undermining binary conceptions of the Self and the Other.

**READERSHIP:** Postgraduates and researchers interested in early modern comparatism, antiquarianism, orientalism, entangled and connected histories, religious studies and Enlightenment studies.

December 2021  
Hardback  
ISBN 9789004467552  
Price € 143 / US\$ 172  
E-ISBN 9789004467569  
E-Price OPEN ACCESS  
*International Environmental Law, 16*  
Imprint: Brill | Nijhoff



## Japanese Maritime Security and Law of the Sea

Edited by **Yurika Ishii**

Japan, the geopolitical lynchpin in the East Asian region, has developed a unique maritime security policy and interpretation of the law of the sea. Japanese Maritime Security and the Law of the Sea examines Japan's domestic laws and its approach to international law.

**READERSHIP:** Institutions which have law of the sea and maritime security courses, including Naval War College; academia, students, practitioners in law of the sea and international law; political scientists interested in East Asia.

December 2021  
Hardback  
ISBN 9789004470064  
Price € 160 / US\$ 192  
E-ISBN 9789004500419  
E-Price € 160 / US\$ 192  
*International Law in Japanese Perspective, 14*  
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## Le droit non écrit dans le contentieux international économique

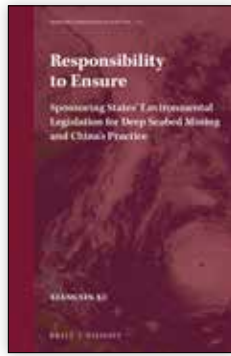
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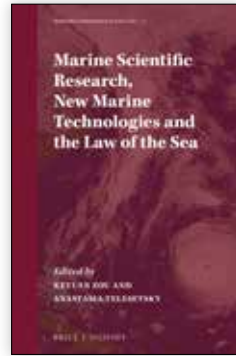
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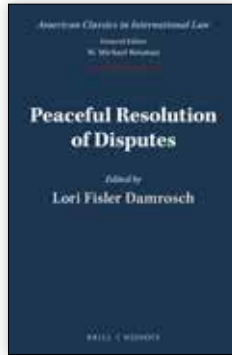


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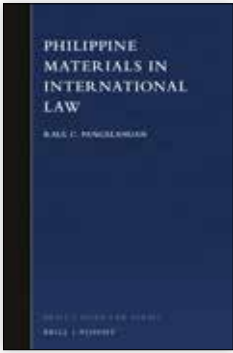


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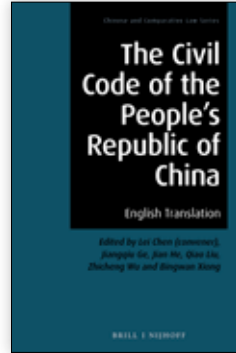


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*English Translation*  
**Lei Chen** (convener), **Jiangqiu Ge,**  
**Jian He, Qiao Liu, Zhicheng Wu**  
and **Bingwan Xiong**

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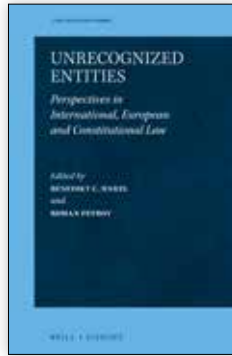
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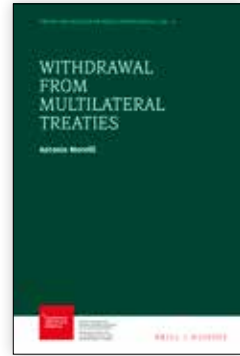
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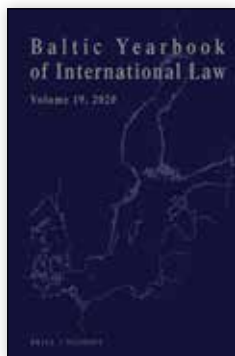
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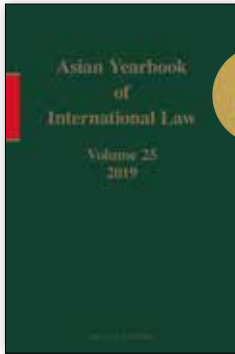
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