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INTERVIEW WITH PRESIDENTIAL SPOKESPERSON SALVADOR PANELO
BY CHRISTIAN ESGUERRA/ANC
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ESGUERRA: (coverage cut)It's mandatory on the part of the US Secretary of State to impose the sanctions. But what's your view here?

SEC. PANELO: It's discretionary on his part; in the first place there is a condition there that there should be a credible information that there was a wrongful imprisonment or detention. In the first place, there is no wrongful detention. I cannot even understand, I'm amazed on how these senators - who are supposed to be educated ones and should be knowledgeable on the processes of their own country which is almost similar to ours - cannot understand why there can be no wrongful detention on the part of Senator De Lima. There have been two processes that went through: One, the administrative side, which means that the Prosecutor determines whether there is probable cause or none for her to be charged in court. And the second one is the Judge himself has to examine the evidence and evaluate for himself if there is probable cause to issue a warrant of arrest. And the Supreme Court even validated that she should be detained.

ESGUERRA: Yeah, vote of 9-6 last year.

SEC. PANELO: Exactly.

ESGUERRA: Before we go into the details of the procedures, let's talk about the language of the prohibition on entry, which was of course part of the voluminous US National budget for 2020. The language is: 'the Secretary of State shall apply sub-section C to foreign government officials about whom the Secretary - as you mentioned - has credible information have been involved in the wrongful imprisonment, that keep Senator Leila De Lima who was arrested in the Philippines in 2017. It says here, 'shall apply sub-section C,' meaning referring to the Magnitsky Act. Isn't this mandatory?

SEC. PANELO: Still it's on the part of the Secretary of State, he has to determine whether there is information credible enough to demonstrate a wrongful detention of the senator.

ESGUERRA: But the sanction is already there, don't you think, it's just a matter of identifying who will be specifically covered by the sanctions?

SEC. PANELO: Let me take for instance myself, according to De Lima I was part of that. How can I be part of that? I'm not even in the Department of Justice prosecuting it or investigating the same. You see? How can there be a credible information with respect to me, assuming even that there is a wrongful detention?

ESGUERRA: I think this also perhaps has something to do with your pronouncement as Spokesman of the President against her?

SEC. PANELO: But I only speak the thoughts of the President relative to any matter concerning the State.

ESGUERRA: So are you not worried that you might be covered by these targeted sanctions?

SEC. PANELO: No. In the first place, I'm not intending to go there; in the second place, that is the right of every state. It is an exercise of a sovereign right to ban anybody, any foreigner in their country and the same way that we can ban others.

ESGUERRA: But you have a US visa, right?

SEC. PANELO: Yes.

ESGUERRA: So you are not worried that you might be restricted from entering the United States soon?

SEC. PANELO: No, I'm not.

ESGUERRA: Is there any plan on your part to try it anytime soon?

SEC. PANELO: I'm so busy here, I don't think I have time to go to the US.

ESGUERRA: I was wondering whether there had been representations made by the Philippine government with members of the US Congress during the time when they were pushing for these particular targeted sanctions.

SEC. PANELO: I was texting with our US Ambassador Babes Romualdez and he said he already talked with the senators and explained to them. But they are really hell-bent on introducing that amendment. In other words, they didn't want to listen to reason.

ESGUERRA: What did the Ambassador of the Philippines tell those Senators?

SEC. PANELO: Well, he told him that the processes in this country should be respected and he explained to him and as explained to the US ambassador how the process went through.

ESGUERRA: And what did the US Ambassador tell you?

SEC. PANELO: According to the US Ambassador, they're still decided to introduce that amendment.

ESGUERRA: So, you spoke with the US Ambassador to the Philippines—

SEC. PANELO: Babes Romualdez.

ESGUERRA: No, US Ambassador to the Philippines Ambassador Sung Kim?

SEC. PANELO: Yeah.

ESGUERRA: You spoke with him after the sanctions were included?

SEC. PANELO: Yes, we met in a private gathering and he told me he read my statement, he agreed with it.

ESGUERRA: Which particular part of the statement?

SEC. PANELO: I think all the statement.

ESGUERRA: What do you mean, he agreed to what?

SEC. PANELO: I don't know, because I issued a statement regarding how these US senators have been either uninformed or are so gullible to believe in whatever information they received whether it's false or not.

ESGUERRA: And he agreed with that statement?

SEC. PANELO: He said, I agreed with your statement.

ESGUERRA: Because you issued a number of statements, searing statements or words against those senators behind this provision.

SEC. PANELO: But you know Christian, as I said earlier, the process there in determining whether one should be charged or not is almost similar. In other words they should know for a fact that you cannot just be detained just like that. There have been to the legal basis for that.

ESGUERRA: Speaking of credible information which was included, you described this as a colatilla before actually imposing this sanction. This covers for example, in case the sanction is imposed not just visa restrictions but also possible freezing of assets in the United States.

SEC. PANELO: Yes.

ESGUERRA: Now, talking about credible information, there was a report coming from the United Nations Human Rights Council Working Group on Arbitrary Detention last year which found that Senator De Lima's case was a case of arbitrary detention. Won't this fall under

that particular category, credible information and this can be used by the Secretary of State to impose the sanctions?

SEC. PANELO: I do not think so. You know, I read or I've heard the statement of that aide of a US Senator. He was saying, 'where's the due process?' Let me tell you the due process is precisely when a case is being tried in court, giving all the opportunities to the accused to avail of all legal remedies and she did that. And then that aide was asking 'where's the evidence?' My goodness, the evidence is in court, it's on the part of the prosecution to introduce that in evidence. And he was saying, 'it's two years now.' But that's a kind of process we have. It's not as easy as prosecuting and finding somebody guilty or being found innocent.

ESGUERRA: But they are questioning the very process that attended the imprisonment or the detention of Secretary De Lima. I think the very same submissions made to the United Nations HRC Working Group referring to for example how come the case was filed before the RTC not before the Ombudsman, there was a question regarding jurisdiction. We know that was of course settled by the Supreme Court. But even then, that was questioned by a lot of people.

SEC. PANELO: Exactly! If the Supreme Court has already decided on the legality of the same, then they should, as a matter of course, accept the finality of a decision of the highest court of the land.

ESGUERRA: But I think what they questioning is that under the present conditions, under President Duterte, even if you guys claim that Senator De Lima was accorded due process, you are in full control of all these mechanisms of the entire judicial process which could justify the detention.

SEC. PANELO: I beg to disagree, this President does not interfere with any co-equal branch and he has already demonstrated that many times over.

ESGUERRA: I remember the President telling that we won't respect certain let's say TROs?

SEC. PANELO: It doesn't mean he has interfered. He is only expressing an opinion. Has he done it, he has not.

ESGUERRA: But these are pronouncements coming from the President which could carry a lot of weight.

SEC. PANELO: No, I don't think so. Look at how the courts decide, they decide on the basis of evidence, regardless of whatever one saying this or that. They are not persuaded, nor intimidated nor coerced by any pronouncement whatever, even the President himself.

ESGUERRA: What do you mean the justices are not intimidated by the President?

SEC. PANELO: Nobody on the judiciary is intimidated by this President; they follow the rule of law, in the same way that this President follows the same.

ESGUERRA: Well, I think that is an answer best provided by the members of the judiciary themselves, right?

SEC. PANELO: Exactly, but look at how they are trying cases in court.

ESGUERRA: Yeah, because going by that decision 9-6 that the jurisdiction has to be Muntinlupa Regional Trial Court, one of the dissenting opinions coming from now retired Justice Antonio Carpio, he described that as one of the grossest injustices and recent memory.

SEC. PANELO: But he is entitled to his opinion, the majority of the Supreme Court Justices disagreed with him.

ESGUERRA: But that particular case, I think that is being questions even based on the submissions made to the UNHRC working group. The fact that she was accused of a crime and then it was placed under the jurisdiction of a trial court, just to make sure that she won't get out on bail?

SEC. PANELO: As far as I am concerned, the Supreme Court has decided on that legal issue and they should respect the decision of the highest court of the land.

ESGUERRA: But aren't you guys for example President Duterte himself bent on keeping the Senator in jail for as long as he is in power?

SEC. PANELO: The President couldn't care less whether she is released or not. She has committed a crime—or there is probability that she has committed a crime and the Prosecutor evaluated there is probable cause, the judge says there is, that is why there is a trial and she availing of all the legal remedies available to her.

ESGUERRA: I keep going by the findings of the UNHRC working group, because this might be used by the Secretary of State of the United States to say whether there is credible information, because these are already findings. For example here, it mentions how the President kept on talking negatively against Senator De Lima even before this detention because of the way she criticized the President's drug war, even when she was still the Chief of the Commission on Human Rights. Basically attaching the President's pronouncements to what has happened or has been happening to Senator De Lima now?

SEC. PANELO: There is no connection between what the President is saying, he is just responding to the criticism made by the senator. She committed probably a crime that is why precisely she was charged and is being tried for it.

ESGUERRA: So what do you think of these findings by the UN Human Rights Commission Working Group which came out last year.

SEC. PANELO: Well, I do not know how this US Secretary of State would consider it, it's for him.

ESGUERRA: But when these findings came out last year, how did you see this?

SEC. PANELO: Well, as far as we are concerned, we have our processes. We observe due process in this country, the rule of law prevails and that's it. It is for them outside of this country to respect the processes of this country. Otherwise, it's an assault to our sovereignty.

ESGUERRA: On the sovereignty of the Philippines?

SEC. PANELO: Yes.

ESGUERRA: Because even those who are supporting Senator De Lima, they are saying that the issue of human rights is not exclusive to the sovereignty of one particular country, meaning it's universal.

SEC. PANELO: That is what they are saying; but as far as we concerned, you interfere with our processes, you are violating our sovereignty.

ESGUERRA: But in the way that for example, you can call out the United States for possible human abuses that they are committing to their own people.

SEC. PANELO: Like for instance, Christian, what if we ask the US Congress to stop the impeachment of Mr. Truman. Ask the US Senate, not to convict Mr. Truman—

ESGUERRA: Trump.

SEC. PANELO: Trump rather. Is that not a violation, we are trying to interfere with their processes, it's the same.

ESGUERRA: So in this case, what do you think is the most glaring interference by the US government or by the US Congress?

SEC. PANELO: Like for instance they are asking us to release, that's not for the President to release, that's for the courts to decide, the trial court. She has introduced evidence and the court finds that the evidence shows that there is strong evidence against her, that's why bail was denied.

PART 2

ESGUERRA: How do you think these statements or call coming from certain US Senators affect, for example, the trial here? Is there any undue pressure exerted?

SEC. PANELO: As I said, the judges here are not influenced by any outside source. They will, as a matter of practice and independence will judge on the basis of evidence. That's their training from the very inception of their law career.

ESGUERRA: Now, let's talk about the response of the Philippine government. You guys decided to bar entry for three US senators, right? Are there additional senators who might be covered?

SEC. PANELO: I will ask the President.

ESGUERRA: So far, it's three.

SEC. PANELO: So far, it's three.

ESGUERRA: So the order came—it was the President who identified those three?

SEC. PANELO: Yes.

ESGUERRA: what exactly did he say?

SEC. PANELO: Well, we were talking about who introduced the amendments and I was asking him what will you do? 'Then we will bar entry on these people.' Then the next time we were talking, oh there's another one, then we will bar him too. I made the announcement.

ESGUERRA: So, it depends on who on which particular senator actually work to include that provision?

SEC. PANELO: Yes.

ESGUERRA: So, dadami pa.

SEC. PANELO: Hindi ko alam, I will ask the President.

ESGUERRA: Now, how about the other response, because there's concern that there is a lot of possible collateral damage that might be included if you proceed with your threat that the Philippines would start imposing visa restrictions on US citizens if the Secretary of State actually implements this targeted sanctions on Philippine officials?

SEC. PANELO: In the first place, refusing entry to any foreign national in a particular country is a sovereign right that can exercise of the country. So what will a country be reacting against if that is a sovereign right, because it can also exercise the same right?

ESGUERRA: But don't you think somehow, this might lead to certain collateral damage if you start imposing.

SEC. PANELO: Like what, for instance.

ESGUERRA: For example, a lot of Filipinos who are now US citizens.

SEC. PANELO: They are excluded from the—

ESGUERRA: Hindi, Filipino origin, but US citizens, now.

SEC. PANELO: Balikbayans?

ESGUERRA: No, US citizens na talaga.

SEC. PANELO: Even if you exclude Balikbayans as I said, that's a right. Of course with respect to Balikbayan, there's a law that given them dual citizenships. So they can come in.

ESGUERRA: Oo nga, so they will have to avail of that option – dual citizenships, so they can make use of the Filipino passport, not just the American passport. What I mean is this. Isn't this an over-reaction on the part of the Philippine government to actually start imposing visa restrictions on all American citizens?

SEC. PANELO: I do not think so, because if they are banning government officials on the basis on what is wrong, then we have to do something to assert our own independence and right.

ESGUERRA: Isn't this enough that you are barring the entry of these specific US senators?

SEC. PANELO: What do you mean?

ESGUERRA: Iyong sila lang, sila lang iyong covered ng retaliation by the Philippine government, because that is our exclusive right.

SEC. PANELO: They should realize the gravity of what they have done. They should be accountable to their voters, those who may be affected by their decision.

ESGUERRA: Is that the reason why we are also covering all US citizens if this is implemented.

SEC. PANELO: I am just explaining to you that, that should be their train of thought in assessing this condition, this situation.

ESGUERRA: My point is this: we have the exclusive right, actually deny entry to anyone, but this response by the Philippine government assuming that this is implemented by the Philippine government, why would you go that far of requiring all US citizens to have visa?

SEC. PANELO: That's decision of the President. He is the chief architect of foreign policy. And moreover, that is only conditional if they enforce the same barring of government officials.

ESGUERRA: Don't you think this will be imposed soon or at least within the year?

SEC. PANELO: I do not know how they will exercise that particular provision.

ESGUERRA: Because it's attached in the budget of the United States for 2020. So at least the expectation is that, this will be imposed within the year.

SEC. PANELO: Let's see how they will.

ESGUERRA: Are there any ongoing discussions between the Philippine government and those in the United States for example, the Secretary of State and even US Congress to talk about this particular issue?

SEC. PANELO: None that I know of. It could be the Secretary of Foreign Affairs or the US Ambassador, I do not know.

ESGUERRA: Was Malacañang somehow caught by surprise by this particular moved by the US Congress?

SEC. PANELO: Oh, but that has been there for some time, you remember?

ESGUERRA: But I remember you saying that, you would react if it actually ends up as a decision by the US Congress?

SEC. PANELO: Exactly, that is why we reacted.

ESGUERRA: Oo.

SEC. PANELO: Oh, iyon nga ang reaksyon natin.

ESGUERRA: Oo, pero weren't you caught by surprise by the gravity of this particular move by the US Congress, because before it was just a couple of senators pushing for this. That is why you withheld reaction at that time. And this time, pumasok talaga.

SEC. PANELO: Kaya pumasok din ang reaksyon.

ESGUERRA: Oo nga, pero weren't you caught by surprise by this?

SEC. PANELO: No. Eh kasi di ba ever since palaging iyon ang sinasabi nila. And it appears that kadali nilang maniwala eh. Parang hindi sila nag-aaral eh, so, 'di bayan mo sila!

ESGUERRA: But why do you think those particular senators went as far as pushing for this?

SEC. PANELO: I think there is a strong lobby, magaling iyong nagla-lobby sa kanila.

ESGUERRA: Coming from whom?

SEC. PANELO: Coming from whoever is against this administration.

ESGUERRA: Have you identified certain groups lobbying before the US Congress?

SEC. PANELO: No, but that is usually how it works. You lobby or some people in the US senate and for that matter even here, ganoon talaga iyon eh.

ESGUERRA: So that is one possibility, the lobby before the US Congress. How about the other possibility that they perceived human rights violations under the President are just too glaring not to get noticed.

SEC. PANELO: Alam mo iyong sinasabi mong glaring ano iyon eh, kasi when some outlets keep on harping on the same issue, repeatedly, somehow nagkakaroon ng semblance of truth eh, kaya napapaniwala mo iyong mga nandoon, outside of this country. But if they will only study, they will just investigate. Like for instance, they should consult the US Ambassador – Kim – on what is happening in this country, because he is here, he is here every day. He knows what is happening, they should have consulted him.

LAST PART

ESGUERRA: Wasn't they consulted as far as—

SEC. PANELO: I do not know.

ESGUERRA: When you spoke with the Ambassador, did you talk about that? Whether he had been consulted by the members of the US senate?

SEC. PANELO: No, but he said, 'I agreed with your statement, that's a very good statement,' he said.

ESGUERRA: But is the environment somehow restrictive because that was also common concern by many human rights groups before that they would have wanted to communicate with the Philippine government to get the date, to talk about the details, but they were restricted, because supposedly there were threats even from the President not to allow them inside the Philippines?

SEC. PANELO: But you know, Christian, napakadali namang malaman kung may deperensiya iyong process eh, kasi it's open eh, it's open public record iyon eh. When you file a case, may desiyon naman eh, they can look at the decision. All they have to do is, ask for a copy of the decision of the investigating prosecutor why they are charging her with this kind of crime and the decision of the judge, the issuance of the warrant and the decision of the Supreme Court, doon pa lang makikita mo na eh. Ba't di nila magawa iyon, napakasimple lang naman noon?

ESGUERRA: Assuming that if the Secretary of State ends up imposing this particular targeted sanctions against certain Philippine officials, are there any other options that might be used by the Philippine government aside from visa restrictions and the entry ban of specific US senators?

SEC. PANELO: This is a matter of foreign policy that the President will have to decide for himself.

ESGUERRA: But so far there's in none on the table?

SEC. PANELO: Wala akong naririnig pa sa kanya.

ESGUERRA: Let's go to the other issue. A very unfortunate incident which happened to one Filipino worker in Kuwait, she died – supposedly maltreated by the employer. Do you have more details about this, how exactly she was maltreated, si Jennalyn Villaverde?

SEC. PANELO: I talked with Secretary Bello yesterday and he said it's still under investigation, they are probing what happened, what's the reason, why's and the wherefores. So, meanwhile we are assisting the family.

ESGUERRA: Pero wala pang detalye how exactly the maltreatment happened?

SEC. PANELO: Wala pa kung paano nangyari. Ang sabi niya sa akin there were so many bruises, iyon lang ang alam niya.

ESGUERRA: And then there's this possibility, this warning coming from the Secretary of Labor that another deployment ban might be imposed, how likely will this be imposed?

SEC. PANELO: Well, siguro—it has been done before so it can be done again.

ESGUERRA: Pero dito in this particular case, this was, I understand, If I am not mistaken, the first case since the agreement between the Philippines and Kuwait to protect the welfare of our workers there? Was this the first one after that particular..?

SEC. PANELO: Parang wala akong naririnig na iba, maliban diyan.

ESGUERRA: Ito iyon di ba? So, how likely will another deployment ban be imposed?

SEC. PANELO: I guess that will depend on the call of Secretary of Labor recommending to the President and the President's final call.

ESGUERRA: But so far, how do you see the response coming from the Kuwaiti government?

SEC. PANELO: I have to talk to Secretary Bello. Not diretso sa akin, sa kanya iyon, siyempre.

ESGUERRA: Because I understand, the employer is already detained, right? Is that enough for the Philippine government just to be satisfied that the justice system is working there?

SEC. PANELO: Well, if you have detained them and a case had been filed against them, then that should be a start of the rule of law being observed in that country.

ESGUERRA: I'm asking these details because during that deployment ban imposed by the Philippine government by virtue of what happened to our worker then before, there are a lot of other OFWs who were concerned that they were unnecessarily dragged into the fray that their employment were also put at risk because of the ban imposed by the Philippine government. How do you address possible concerns, because the moment that you mentioned another deployment ban, others would be concerned as well?

SEC. PANELO: Well, I think the guide would be, if there are many harassments or abuses being committed then we will apply the same ban, employment ban.

ESGUERRA: So they have nothing to worry?

SEC. PANELO: The?

ESGUERRA: The other workers, Filipino workers?

SEC. PANELO: As of now, I don't think there is a cause for worry.

ESGUERRA: As a last point. I'd like to take this opportunity because one of the biggest developments over the past couple of weeks was the willingness by the President to again formally resume peace negotiations with the National Democratic Front of the Philippines.

SEC. PANELO: Yes.

ESGUERRA: After that statement by the President, there had been, I think at least two backdoor discussions between the Philippine government and the NDFP – backdoor meaning informal. Now, as far as Malacañang is concerned, how or will the formal talks actually resumed?

SEC. PANELO: Well, the President as we have said before wants Joma Sison to come and to have a one-on-one talk with him. He should come here if he is really sincere, he should not be afraid of any arrest or subjecting anyone from their panel to be arrested.

ESGUERRA: Just to be clear, is that a condition by the President before formal talks can resume, he needs to speak with Joma one-on one?

SEC. PANELO: He didn't say that, that is a condition but he said I want him here, that we have to talk without the panels.

ESGUERRA: But he already said that he is willing to talk face to face with the President, but in a neutral country near the Philippines?

SEC. PANELO: But he cannot demand that. In the first place, this resumption of talks were based on the representations. Sila ang nakiusap nito eh, pinagbigyan lang sila ni Presidente.

ESGUERRA: They requested for representation?

SEC. PANELO: Di ba the President cancelled the peace talks and then maraming lumalapit kay Secretary Bello, lumalapit kay Presidente, magi-emissary sila kung puwedeng ituloy na iyong peace talks. Pinagbigyan sila ni Presidente, because the President really wants to have a lasting peace in this country, no more bloodshed between and among Filipinos – iyon ang naman ever since, palagi siyang may space for that – kaya pinagbigyan niya.

ESGUERRA: So iyon nga, the President now wants –he prefers one-on-one discussions with Joma Sison.

SEC. PANELO: Yes.

ESGUERRA: And Joma Sison says he is willing, but in a neutral country outside the Philippines or near the Philippines. If that is the situation, so does it mean that the formal talks won't resume or they can still resume?

SEC. PANELO: Hindi ko alam, basta iyon ang sabi ni Presidente, I want him here. But you know, Joma Sison should be elated by that development because, di ba, we have been saying na he is no longer in control of the ground forces. Kasi you talked about peace pagkatapos binabanatan niya iyong mga forces ng gobyerno. You know the President wants him, ibig sabihin, the President recognizing him as the leader of these forces. Eh dati nga hindi na niya kinikilala eh. So, he should take opportunity. Take that opportunity.

ESGUERRA: But that can also be seen as a point of no return in the part of Jose Ma. Sison if he actually goes back to the Philippines: Number one complication on his way to the Philippines, he might be arrested by the United States; assuming he is not, that he ends up here in the Philippines...

SEC. PANELO: Why he should he be arrested by the US, in the first place?

ESGUERRA: He is considered as a terrorist.

SEC. PANELO: By the US?

ESGUERRA: Hmm.

SEC. PANELO: Hindi pa, tayo ang nag-file.

ESGUERRA: No, we have our own determination here in the Philippines, by virtue of the proclamation by the President. I think two years ago and I think that is one complication that they want to be lifted. By the way, since you mentioned that, those proclamations by the President: Number one declaring the CPP-NPA as a terrorist organization; number two, iyong creating a task force to address the communist insurgency; and number three terminating peace talks. Will you guys lift those proclamations, presidential issuances to make sure that the peace talks would resume formally?

SEC. PANELO: Eh unang-una kasi, iyong mga sinasabi mo dati nang meron iyon eh. They have been violating that, iyon nga ang problema sa kanila. They want to sit on the table and talk peace and yet they are assaulting our forces. Iyon nga ang—from the very beginning iyon ang ayaw ni Presidente, they are showing insincerity. Like iyong sinasabi mo kanina na paano kung he leaves Netherland, baka maaaresto, eh di ganundin iyon. You go to neutral place di umaalis ka rin sa Netherlands.

ESGUERRA: Eh iyong pagdating dito, let's say he is arrested by the Philippine government.

SEC. PANELO: Because the President has precisely given his personal guarantee, hindi ka magagalaw hanggang makaaalis ka, kahit walang nangyari sa atin. If we talk and then we failed to agree on anything, then you can go freely, walang mangyayari sa iyo.

ESGUERRA: But you know the mood of the President could also change quite abruptly – before, right now, this is the way he talks about Jose Maria Sison – but in the past di ba?

SEC. PANELO: Only because nga, ina-assault mo iyong forces niya eh. Ang mga forces natin, may mga namamatay, doon siya nagagalit pagdating doon.

ESGUERRA: Secretary Salvador Panelo. Thank you very much for joining us – Happy New Year again.

SEC. PANELO: Thank you – Happy New Year.

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