

Martin Kragh (ed.)

Security and Human Rights in Eastern Europe

*New Empirical and Conceptual
Perspectives on Conflict Resolution
and Accountability*

With a foreword by Fredrik Löjdquist



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Foreword

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A project on human rights and security in Eastern Europe was undertaken in 2021 related to the Swedish OSCE chairpersonship. This project was initiated by Dr. Martin Kragh and Dr. Andreas Umland at the then Russia and Eurasia Program at the Swedish Institute of International Affairs and was then taken over by the Stockholm Centre for Eastern European Studies when it was established in March 2021.

This was a major undertaking shedding light on how security, respect for democracy, human rights, rule of law and international law are interconnected in the conflicts in Eastern Europe. The relevance of these questions needs not be explained further as Russia continues and has escalated its aggression against Ukraine, in flagrant violation of international law and the principles and commitments underlying the European security order.

The project resulted in the texts gathered in this book, providing a rich source of analysis and policy recommendations on the conflicts in Eastern Europe.

Many important lessons are to be found in these texts: the interrelation between internal repression and external aggression, how the conflict managing mechanisms are in themselves part of the battlefield, how the framing and understanding of the nature of these conflicts play a crucial role, the effects of these conflicts on human security and human rights, etc.

Painful questions arise: have the efforts of the international community been conflict solving, conflict managing or conflict conserving? Has the ambiguity as to how to frame these conflicts—internal or interstate conflicts—been

constructive or destructive? Have the attempts to “freeze” these conflicts contributed to lessen human suffering or prolonging and legitimizing violations of international law, including international humanitarian law?

It's my hope that the findings presented in this book continue to be studied by researchers, analysts, journalists, diplomats, politicians, military officers, civil society activists and practitioners of all kinds.

Given the very practical and political relevance of these questions, it's appropriate that this is the first book publication by the Stockholm Centre for Eastern European Studies. I sincerely thank the authors and everyone else who have contributed to this project, making this book possible.

Fredrik Löjdquist

Director of the Stockholm Centre for Eastern European Studies at the Swedish Institute of International Affairs

Part I.

Security and Human Rights in the Conflict Areas

Human Rights Violations in the Occupied Parts of Ukraine's Donbas since 2014

Halya Coynash

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Executive Summary

This report highlights human rights violations in the two self-proclaimed “republics” in the Donbas (Donets Basin) region of Ukraine since April 2014. Most such violations are the result of Russia’s effective, yet persistently denied, political control over the pseudo-states. Former prisoners of the so-called Lugansk and Donetsk People’s Republics have reported torture and the absence of fair trials, and also that a much larger number of captives are being held than officially acknowledged by the two satellite regimes. Ukrainian and independent media have been expelled from the occupied territories and replaced with outlets engaged in daily anti-Ukrainian propaganda and disinformation. Children and young people are being inculcated with a variant of Russia’s military-patriotic education. Any future reintegration of the currently occupied parts of Ukraine’s Donbas into the Ukrainian state will require more than the simple withdrawal of Kremlin interference. A number of policy recommendations are proposed to begin the reintegration process.

Introduction

There have been egregious abuses of political and civil rights in the occupied territories of eastern Ukraine since 2014. In *Freedom in the World 2020*, Freedom House gave what it refers to as Eastern Donbas (the Donets Basin) a score of 5 points

out of 100 and a “Not Free” rating in its table of Global Freedom Scores. This was much lower than the score of 62 points and a ‘Partly Free’ ranking for the Ukrainian government-controlled areas and also considerably less than Russia’s 20 points and even below occupied Crimea’s 8 points.¹ Only Eritrea, North Korea, South Sudan, Syria, Tibet, Turkmenistan and Western Sahara were ranked below the separatist territories of the Donbas, in terms of political rights and civil liberties in 2020.²

The so-called Lugansk and Donetsk People’s Republics (Russ. abbr.: LNR and DNR) are self-proclaimed republics, but have existed as de facto Kremlin-installed and guided puppet regimes since 2014. These fictitious statelets occupy roughly one-third of the whole of the Donbas in eastern Ukraine, as well as parts of Ukraine’s Luhans’ka and Donets’ka *oblasts*—the Luhansk and Donets’k Regions. Although there are certain political differences between the two, similar human rights violations occur in both the LNR and the DNR.

This brief report highlights the major human rights issues in the occupied territories of the Donbas. The next section outlines a number of peculiarities of the two satellite regimes’ political set-up and the consequences for human rights protection. Section 3 focuses on the severe limitations on mass media and political speech. Section 4 outlines the ongoing propaganda and militarization campaigns in the occupied territories of eastern Ukraine, especially those directed at young people. Section 5 deals with arbitrary imprisonment and systematic torture and section 6 illustrates the far-

1 Freedom House, *Freedom in the World 2020: A Leaderless Struggle for Democracy*, December 2020. https://freedomhouse.org/sites/default/files/2020-02/FIW_2020_REPORT_BOOKLET_Final.pdf

2 Freedom House, *Countries and Territories*, December 2020. <https://freedomhouse.org/countries/freedom-world/scores>

reaching restrictions on political and religious life. The concluding section formulates observations and policy recommendations for the Ukrainian state and Kyiv's various international partners, including the OSCE. This report provides only glimpses of the great range of human rights abuses in the two pseudo-states. Its recommendations cover only some of the most urgent—and by no means all of the necessary—measures required to improve the situation.

Russia's Ambivalent Stance in the Donbas

Although the two pseudo-states are financed, armed and tightly controlled by Russia, Moscow has not formally recognized the LNR and the DNR. The Kremlin currently appears to view them as useful for undermining Ukrainian state- and nation-building. It also sees them as future instruments for influence on and destabilization of Ukraine as a whole. Moscow's official denial of its control over the LNR/DNR is one reason why the human rights situation there is even more dire there than in annexed Crimea. Being beyond the reach of Russian legislation and civil society, the territories of the LNR and the DNR lack even the low degree of transparency, the rudimentary rule of law and the partial public scrutiny of officials that exist in Russia.

For instance, as part of their “nationalization” drives, having gained control of parts of the Donbas, the LNR and the DNR have appropriated not only Ukrainian state enterprises, but also many companies belonging to people now living in government-controlled Ukraine. According to the eastern Ukraine NGO, Vostok SOS, such seizures have happened on a mass scale.³

3 Vostok SOS, *Report on rights violations in occupied Donbas in November 2020, 7 December 2020*. <https://vostok-sos.org/vijskovi-zbori-v-l-dnr-ta-situacziya-z-covid-19-porushennya-prav-lyudini-na-tot-zafiksovani-u-listopadi/>

Nevertheless, the territories of the LNR and the DNR are universally considered by Kyiv, Moscow and the West as still part of Ukraine. Against this background, international bodies have criticized the Ukrainian authorities for the ongoing situation that requires pensioners to travel to government-controlled areas of the Donbas to collect their Ukrainian pensions. However, there is no viable solution that would not in some way recognize the illegal republics or provide them with certain financial benefits from the Ukrainian state. The situation of pensioners in the occupied territories of the Donbas was already dire before 2020 but has become even more critical since the start of the COVID-19 pandemic. The resulting restrictions have made it very difficult for elderly people to travel to and from the government-controlled areas.

Putative judicial, law enforcement and governmental structures have been installed in the pseudo-states but, behind this facade, the two republics are little more than arbitrary fiefdoms ruled by Kremlin-installed local warlords. A variety of—often grave—human rights violations are commonplace. Especially brutal measures are meted out against Ukrainians who might reveal the involvement of Russian military and security service personnel in the LNR and the DNR. Halyna Haieva, for example, a 60-year-old nurse, was imprisoned and tortured in the notorious Izoliatsiia (Isolation) secret prison in Donetsk for compiling a list of Russian military service personnel treated in her hospital.⁴

In December 2020, the Chief Prosecutor of the International Criminal Court (ICC), Fatou Bensouda, announced that she had found reasonable grounds to believe that war crimes and other crimes against humanity that fall within the

4 B. Mashai, "'Izoliatsiia': place of pain and terror in Donetsk", 6 December 2019, https://zn.ua/ukr/personalities/izolyaciya-misce-bolyu-i-strahu-v-donecku-332154_.html

ICC's jurisdiction have been committed in both occupied eastern Ukraine and annexed Crimea.⁵ Among those who provided testimony to the ICC were former victims of torture and incarceration in secret prisons such as Izoliatsiia and witnesses to extrajudicial executions.⁶

Restrictions on Media Freedom

Every time that Russian and Russia-armed militants seized control of part of the Donbas in the spring/summer of 2014, they quickly blocked access to Ukrainian television. Within five days of the temporary capture of Sloviansk, for instance, the militants seized the television tower and replaced Ukrainian channels with Russian ones.⁷ After occupying Donetsk, the largest city in the Donbas, in June 2014, the Russia-led separatists forced the removal of a number of Ukrainian television channels.⁸ The militants justified their censorship by claiming that Ukrainian channels “incited enmity” and “discredited their republics”.⁹

These actions had much to do with the enhanced role that Russian and pro-Russian local media outlets sought to play in the occupied zones in Crimea and the Donbas. In parallel with its military operation, Moscow conducted a

5 *Statement of the Prosecutor, Fatou Bensouda, on the conclusion of the preliminary examination in the situation in Ukraine*, 11 December 2020, <https://www.icc-cpi.int/Pages/item.aspx?name=201211-otp-statement-ukraine>

6 S. Aseyev and A. Umland, “‘Isolation’: Donetsk’s Torture Prison”, 4 December 2020.

7 “Separatists in Sloviansk seize local television tower and cut Ukrainian television”, 17 April 2014, <https://novosti.dn.ua/news/205936-v-slavyanske-separatysty-zakhvatyly-mestnuyu-televyshku-y-vyklyuchyly-ukraynskoe-tv>

8 “In Donetsk, DNR forced providers to cut Ukrainian channels”, 6 June 2014. https://news.liga.net/politics/news/v_donetske_dnr_zastavila_provaydera_otklyuchit_ukrainskie_kanalny

9 “Press conference of the LNR ministry of information ‘On the information security of the republic’”, 12 November 2015, https://www.youtube.com/watch?v=P750ag_IL2U

deliberate campaign of defamation through its state-funded channels, which, among other things, spread the narrative that Ukraine's army was deliberately bombing civilians, that Kyiv was engaged in genocide.¹⁰ One particularly revolting story reported that Ukrainian soldiers had "crucified" the young son of a separatist fighter.¹¹ In August 2015, some former employees of Russian state television channels admitted their involvement in this propaganda. One journalist reported that their editors-in-chief were instructed by the Kremlin to refer to Ukrainians as fascists and to the Kyiv government as a junta.¹²

In May 2020, a former manager of a television channel in occupied Horlivka gave himself up to Ukraine's Security Service (Ukr. abbr.: SBU) and provided insider information. According to his testimony, the media in the occupied territories is tightly controlled by the Russian Federal Security Service (Russ. abbr.: FSB) and the DNR's so-called Ministry of State Security (Russ. abbr.: MGB). The individual, who insisted on full anonymity, asserted that every channel has its own censor in the DNR MGB, who is told what can be shown and what is taboo.¹³

Access to the internet and social media is somewhat less restricted, although many websites, including the main Ukrainian sites providing information about Russian military engagement in the Donbas and countering disinformation, were already blocked within the first six months of

10 H. Coynash, "Russia Today's 'Genocide in eastern Ukraine': Sick, distorted and deleted", 16 July 2014. <http://khpg.org/en/1405478412>

11 H. Coynash, "New low in Russia's propaganda war", 14 July 2014, <http://khpg.org/en/1405339370>

12 D. Sidorov, "How they make TV-propaganda: Four testimonies", 6 August 2015, <https://www.colta.ru/articles/society/8163-kak-delayut-tv-propagandu-chetyre-svidetelstva>

13 TV Ukraina, "Testimony of a defector: exclusive interview about life under occupation", 24 May 2020. https://www.youtube.com/watch?v=nN3H40UoGLU&feature=emb_title.

the occupation. Over the years, official LNR policy, for example, has closely followed Russia's overt policy of officially blocking certain websites. By contrast, in 2019, the research agency DSLab Ukraine reported that it was unable to find a published list of officially banned websites in the DNR.¹⁴

There were still some independent Ukrainian and foreign journalists in the occupied parts of the Donbas in the first months of the conflict, but that soon changed. Several journalists were abducted and savagely tortured, and a few were held captive for several months. Since then, most people living in occupied Donbas have received information either mainly or solely from Russia- or LNR/DNR-controlled media outlets.

Stanislav Aseyev, a Donets'k blogger and journalist, spent 31 months in DNR captivity, including 28 months in the Izoliatsiia torture prison, because of some revealing reports he wrote under a pseudonym for the Ukrainian media.¹⁵ Eduard Nedeliaev, a blogger from Luhans'k, received a 14-year prison sentence for "spreading negative information".¹⁶ Ihor Halaziuk was held for two years for, among other charges, disclosing information about the Russian BUK anti-aircraft missile system, which had downed flight MH17, a Malaysian Boeing-777 airliner, over eastern Ukraine on July 17, 2014—and for using quotation marks around the words "Donetsk people's republic".¹⁷

14 "It has become known which sites are most often blocked by occupied Donbas providers", 6 August 2019, <http://tech.informator.ua/2019/08/06/stal-o-izvestno-kakie-sajty-chashhe-vsego-blokiruyut-internet-provajdery-ordlo/>

15 S. Aseyev, "All occupied Donbas territory is one huge 'Izoliatsiia' concentration camp", 29 December 2020. <https://www.pravda.com.ua/articles/2020/12/29/7278243/>

16 H. Coynash, "Donbas militants 'sentence' blogger to 14 years for 'spreading negative information'", 2 August 2017. <http://khp.org/en/1501597083>

17 H. Coynash, "Blogger spent 2 years in captivity for calling Russian-controlled Donbas occupied territory & writing the truth about MH17", 13 January 2020, <http://khp.org/en/1578702066>

As of early 2021, there were several people serving 10-15-year sentences for “spying” based merely on pro-Ukrainian comments they made on social media. Maryna Yurchak, for example, was sentenced to 15 years in prison after being tortured in Izoliatsiia for media reposts and Twitter comments, such as calling the vehicles of top militants “orc-mobiles”.¹⁸ Yuri Shapovalov, a 55-year-old neuropathologist, was sentenced to 13 years for posts on Twitter which a DNR court alleged were “destabilizing the situation”.¹⁹ In his case, and in that of Pavlo Podvezko, who received a 14-year sentence for pro-Ukrainian comments on Twitter,²⁰ their video “confessions” to spying were almost certainly extracted through torture.

Propaganda and Militarization

In contrast to the cases of Abkhazia and South Ossetia in Georgia, Russia has not recognized its proxy republics in Ukraine’s Donbas and Moldova’s Transnistria. Nonetheless, Moscow exerts similar psychological and ideological influence on the population of the two pseudo-republics. This includes the children in the DNR/LNR, who are exposed to a constant distortion of reality, and to anti-Ukrainian and pro-Russian propaganda. A May 2019 study by Kyiv’s Institute for Mass Information found an alarming level of disinformation about Ukraine being spread in occupied Donbas, and

18 O. Omelianchuk, “15 years for a repost. The story of a Donetsk woman ‘sentenced’ in ORDLO”, 22 April 2020. <https://www.radiosvoboda.org/a/30568504.html>

19 “Report and videoed ‘confession’ posted on the ‘DNR ministry of state security’ website”, 15 May 2020. https://mgbdnr.ru/news.php?id=20200515_01&img_num=0

20 “Report and videoed ‘confession’ posted on the ‘DNR ministry of state security’ website”, 11 February 2020, https://mgbdnr.ru/news.php?id=20200211_00&img_num=

that the amount of fake news had doubled in the previous two years.²¹

Both the DNR and the LNR have largely removed the Ukrainian language and most Ukrainian content from their school curriculums. School textbooks present an especially biased picture of the period since early 2014.²² Children at both the preschool and school level are being taught that they should love and defend the Russian proxy republics, and that the Ukrainian state is their enemy. According to Vera Yastrebova, Head of the Eastern Human Rights Group, Russia is spending millions of dollars on projects aimed at developing pro-Kremlin views among young people in Ukraine's Donbas.²³

In September 2019, for example, all school children in the DNR were taught the same "First Lesson": "The DNR is five years old: We are growing with the republic!" On the internet, instructions for these lessons called on children to become "true patriots of the DNR" and to "be prepared to defend their Fatherland". Lesson plans also contain summaries of "DNR history" for children to learn and that claim that a legitimate republic arose as the result of a spontaneous referendum on May 11, 2014.²⁴

21 "Fakes and hate speech: how Ukraine is presented in the media of occupied Donbas", *IMI*, 20 May 2019, <https://imi.org.ua/articles/fecky-ta-mova-vor-ozhnechi-iak-vysvitliuut-ukrainu-v-media-okupovanykh-terytoriy-donbasu-i47>

22 D. Durnev., "'Only five grades!' How the battle for schoolchildren of the self-proclaimed Donbas republics is playing out", 2 September 2019, <https://spektr.press/tolko-pyat-ballov-kak-idet-borba-za-shkolnikov-samoprovozglashennyh-respublik-donbassa/>

23 "Occupied Mind. The threat that children's 'upbringing' in ORDLO holds for Ukraine", 21 January 2020, <https://vchasnoua.com/articles/63702-okupovanyi-rozum-iaku-zahrozu-ukraini-nese-vykhovannia-ditei-v-ordlo>

24 "Plan for a single first lesson for Knowledge Day in the 2019-2020 school year on the topic 'DNR is five years old. We are growing with the republic!' for Grade 7", 2 September 2019, <https://infourok.ru/let-dnr-rastem-vmeste-s-respublikoy-3821418.html>

This is in line with the “program of patriotic education for children and young people of the DNR” adopted in 2017, which states that “patriotic education should become the main objective of the republic’s state ideology as part of the Russian world ideology”. The program also promotes systematic work to form “high patriotic consciousness, devotion to their Fatherland, readiness to carry out their civic duty and constitutional obligations in defending the interests of the DNR”.²⁵

To a great extent, the methods of indoctrination and militarization in the LNR and the DNR are identical to those in Crimea and Russia itself. Children take part in “military education” activities and are taught the “Russian world ideology”. The most overtly militaristic of the various re-education programs for young people is the “Yunarmia” (Youth Army) project. Announcing the creation of this children’s war training program in the DNR, Edward Basurin, deputy head of the People’s Militia, asserted that “it is important to not only to bring youth up even more patriotically, but to fight against the falsification of history which the mendacious Kyiv authorities are currently involved in”.²⁶ Young people swear allegiance to the unrecognized republics and are forced to commit to defend them against “enemies”, most notably the Ukrainian state. Children from the occupied territories also take part in Russian competitions aimed at convincing them that they are part of a united Russian ethnicity.²⁷

25 “Program of patriotic education for children and young people of the DNR”, 9 August 2017, http://mincult.govdnr.ru/sites/default/files/rasporiazhglavan252_09082017.pdf

26 “A ‘Young Guard – Yunarmia’ movement will be created in DNR”, 30 March 2019, <http://gorlovka-news.su/novosti/novosti-gorlovki/12577-v-dnr-sozda-dut-dvizhenie-molodaya-gvardiya-yunarmiya>

27 “Occupied Mind. The threat that children’s ‘upbringing’ in DNR/LNR holds for Ukraine”, 21 January 2020, <https://vchasnoua.com/articles/63702-okupovanyi-rozum-iaku-zahrozu-ukraini-nese-vykhovannia-ditei-v-ordlo?fbclid=>

In some regards, however, the official DNR and LNR mythology goes beyond the remembrance and education policies in Russia and Crimea. Thus, the “heroes defending the Fatherland” whom children are taught to glorify in the occupied Donbas territories include, among others, Arsen Pavlov, or “Motorola” (1983-2016), a Russian mercenary born in the Komi Republic.²⁸ Pavlov is believed to have killed several prisoners of war, including Ihor Branovyts’kyy, one of Ukraine’s so-called Cyborgs, who had been defending the Donetsk Airport. Branovyts’kyy and other Ukrainian soldiers were taken prisoner in January 2015.²⁹

Another officially celebrated martyr of the pseudo-republics is Aleksei Mozgovoi (1975-2015), an LNR military commander. In May 2014, Mozgovoi tricked the fighters he commanded into ambushing and killing a family heading to the Russian border for the money that they were carrying. Mozgovoi had told his fighters that the two cars were a convoy of dangerous Ukrainian ultra-nationalist Right Sector fighters. The parents were killed outright and their 10-year-old daughter was maimed for life.³⁰ In October 2014, Mozgovoi participated in the Novorossiia (New Russia) People’s Court’s first death sentence, passed by a show of hands.³¹

IwAR3QaAXlyVACfcSYyd_Q0IFn04W_zBfGJR4R83zYev-XnHZ6MIWPj8MJtt8

- 28 O. Sukhov, “‘I killed 15 prisoners of war in Ukraine,’ claims Russian fighter”, 15 April 2015, www.theguardian.com/world/2015/apr/10/russian-fighter-ukraine-motorola
- 29 “How ‘Motorola’ killed a ‘Cyborg’ POW”, 16 April 2015, https://www.bbc.com/ukrainian/politics/2015/04/150415_branovytsky_death_witness_sova_interview_vs
- 30 D. Kazansky, “How ‘Novorossiia hero’ Mozgovoy killed a whole family for money”, April 2020, <https://www.youtube.com/watch?v=ITm8XiNFLYI>
- 31 *First Novorossiia people’s court*. October 2014. <https://www.youtube.com/watch?v=l8UQ76dSLul>