

Situation Assessment



Sudan Framework Agreement:
Dimensions and Future Pathways

By : Omar Samir
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Dimensions for Strategic Studies

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Preamble

On December 5, 2022, the ruling military component in Sudan signed with prominent civilian forces, foremost of which was the Declaration of Freedom and Change and some armed movements and other parties, a framework agreement to resolve the political crisis in the country, which erupted after the army's coup on the constitutional document, the Juba Peace Agreement and the previous political agreement between the civilian component led by Hamdok and the military component led by Al-Burhan, which occurred on October 25, 2021, under which the President of the Transitional Sovereignty Council, Abdel Fattah Al-Burhan, imposed exceptional measures, including the dissolution of the Sovereign Council and the Transitional Ministers, the arrest of ministers and politicians, the declaration of a state of emergency and the dismissal of governors. Such an event led to sharp divisions within the Sudanese interior, and its consequences like the continuity of protests, which were confronted by force by the army and security forces, remained and became a continuous cause of instability and fear of the explosion of the situation and its transformation into civil strife for more than a year without a solution.

This paper which assesses the situation aims at identifying the internal and external contexts that led to reaching this agreement. Furthermore, it analyses its main contents and axes, in addition to the local, regional and international reactions around it. It tries also to foresee the future tracks of the political process in Sudan in accordance with this agreement.

First:

The internal and external contexts of the agreement:

Since the October 2021 coup d'état, the dismissal of Prime Minister Hamdok, the arrest of several politicians- the partners of the transitional period- and the freezing of most of the provisions of the constitutional document regulating the transitional period, Sudan has witnessed widespread security and political unrest; and the economic and social conditions of the Sudanese have deteriorated significantly. In the context of the decisions of the coup in which Al-Burhan overthrew his civilian partners who ruled since 2019, several international and regional mediators, both individual and collective, tried to intervene to resolve the situation amid the insistence of the protesters in the streets to radically remove the military from the political scene, and to fully reject any mediators and initiatives that think otherwise. This position practically froze the entire political process. Everyone, including the military leadership of the country, realized that it is impossible for the situation to continue like this.

During the period prior to the framework agreement, the Steering Committee of the Bar Association announced the features of the draft transitional constitution of the country, it is preparing. The committee said that it included 12 chapters and about 76 articles⁽¹⁾. It also held a conference on the latest findings of the committees of the draft transitional constitution, which enjoys the support of the forces of freedom and change and a number of political parties. The conference witnessed a large diplomatic presence headed by US Ambassador John Godfrey, Saudi Ambassador Ali Hassan bin Jaafar and British Ambassador Giles Leaves. This was followed by the issuance of the so-called "political declaration" supplementing the draft constitution of the lawyers' steering committee, and the signing of ⁽²⁾ some political forces.

It was widely supported by the Forces for Freedom and Change and the Central Council, which promoted the document as a draft transitional constitution as an alternative to the 2019 constitutional document and made substantial amendments thereto ⁽³⁾.

(1) "Sudan Tribune", the Steering Committee of the Bar Association reveals the features of the Constitutional Declaration, dated 2022/9/7, <https://is.gd/ytP9G3>

(2) For example, the Vice-President of the Democratic Unionist Party of origin, Mr. Mohammed Hassan Al-Mirghani, signed it, as well as Burhan and Hemeti, with some comments on it. Several parties signed it, and it was the subject of interest and support of international parties and forces that ignored a draft constitutional declaration submitted earlier by the National Accord Group for the Forces of Freedom and Change.

(3) "Al Jazeera.Net", determined the status of regular forces and rapid support.. Learn about the draft transitional constitution document in Sudan, dated 2022/9/15, <https://is.gd/L16ZVW>

Some experts, including Dr. Ahmed Al-Mufti, Director of the Khartoum International Center for Human Rights, founder of the Jamahiriya Human Rights Movement, made fundamental observations about dealing with this constitutional project. According to him signing the draft constitution of the lawyers' steering committee first, and then making observations on it; because this makes the project non-binding to anyone, and makes the amendments indefinite. And this is the case with this document, where Al-Burhan and Hemeti signed it and provided observations on it. As such the project became the basis for a political solution.

Here lies the criticism of the document; which is signed by parties who themselves make it subject to amendment. As such, it cannot serve as a basis for any political solution; especially since there is no consensus on the "political declaration" whose signatories will select the members of the Sovereignty Council, the Legislative Council and the Council of Ministers⁽⁴⁾.

During this period, the military component was completely alone in power. Burhan, by a constitutional decree of July 2022 ⁶, dismissed the five civilians in the Transitional Sovereign Council from their positions, stating his intention that "after the formation of the executive government, the Sovereignty Council will be dissolved and a Supreme Council of the Armed Forces and Rapid Support will be formed". Before that, he had already announced that the military institution would not participate in the national dialogue under the auspices of the "tripartite mechanism"⁽⁵⁾ However, regional and international pressure has been exerted on Burhan and his military partners to participate in the national dialogue whose second round was postponed more than once due to domestic political overbids from all sides.

At the international level, the pre-Agreement period was marked by sharp international criticism of the way the army managed the transition period and widespread condemnation of the October coup itself, even from the mediating parties to resolve the crisis. The United Nations Integrated Mission in Support of the Transition ^(UNMIS 6), for one, issued a wide condemnation of the use of violence against demonstrators, days before the Agreement was observed on 28 November. A statement by the Tripartite Mechanism confirmed that the total number of deaths had risen to 121 and hundreds of injuries since the military coup.

(4) Russian news agency Sputnik, Sudanese human rights: signing the draft constitutional document before political consensus makes it unsuitable for solution, on 2022/11/9, <https://is.gd/43wD3T>

(5) Anadolu Agency, Sudan. Exemption of civilian members of the Sovereignty Council, on 2022/7/6, <https://is.gd/z6ltME>

(6) United Nations Integrated Transition Support Mission in Sudan (UNITAMS), Tripartite Mechanism Statement on Violence against Protesters in Sudan, 28 November 2022, <https://is.gd/Q9y9ZR>

The great domestic and international criticism of the role of the army may have led to a conviction that it is impossible to continue in power without a political initiative for a solution, especially in light of the sharp deterioration of living conditions, which resulted in a sharp anger at all participants in the political process, especially the military leaders after their sole monopoly over power. Perhaps the regional partners of the army leaders had the same conviction. That is why there were extensive visits to both the UAE and Saudi Arabia in an unprecedented manner throughout the period before the signing of the agreement. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), civil and tribal violence intensified in Sudan. 991 people were killed and 310,000 displaced due to the violence caused by the conflict over land, which is seen not only as an economic benefit of agriculture and grazing, but also as a political sphere of influence related to the local authority. Thus, the number of displaced people rose to 3.8 million. In 2022, there were about 370 security incidents due to civil conflict and armed attacks, including 60 incidents in December 2022, in which the agreement⁽⁷⁾ was signed.

In general, the economic and social conditions of the Sudanese have deteriorated after the coup. The Sudanese suffered severely from a wave of high prices, unprecedented inflation and the devaluation of the local currency, since the overthrow of the Hamdok government, whether due to political unrest or the cessation of many foreign support programs that had been completed by the Hamdok government. According to the Minister of Investment and International Cooperation in the Hamdok government, the Sudan lost due to the events of 25 October, investments estimated at more than 35 billion dollars in the fields of agriculture, integrated industries and others. Washington froze a program that allows Sudan 700 million dollars, as well as a program to alleviate Sudan's foreign debt, which amounted to 59 billion dollars before the departure of Bashir.

Some international financial institutions also stopped their plans to support the Sudanese economy, including the World Bank. There was a significant decline in foreign investment and delay in the adoption of the budget for the new fiscal year, which usually begins with the beginning of the calendar year, due to the absence of the government for more than two months⁽⁸⁾. Consequently, protests against the grinding cost of living and the deteriorating economic and social conditions caused mainly by the political crisis have increased.

(7) "Sudan Tribune", Sudan: 991 people killed and 310,000 displaced by violence in 2022, on 2023/1/19, <https://is.gd/DAQtib>

(8) AbdulBasir Hassan, What did Sudan lose economically due to the Burhan coup? "BBC Arabic", on 2022/1/24, <https://is.gd/GN4QBt>

Second:

The main contents and axes of the agreement:

The agreement includes fifteen general principles on the unity and sovereignty of the Sudan and its cultural, religious and linguistic pluralism, affirming that it is a democratic, federal, parliamentary civil state based on citizenship and equality and protection of freedom of belief and religious practices, adhering to international human rights charters and consolidating the principles of justice, accountability and civic participation. The agreements also stresses the independence and professionalism of national state institutions, affirming a single national professional army committed to the unified military doctrine and fulfilling its duties to protect the borders of the homeland and defend democratic civil rule. It affirm peaceful political action and criminalization of all forms of resorting to violence, extremism and military coups or violating constitutional legitimacy and undermining the democratic system, pursuing a balanced foreign policy, combating corruption and establishing the principles of transparency and accountability. It affirms the civility of⁽⁹⁾ the transitional authority without the participation of regular forces, and considers the Juba Peace Agreement (October 2020) as an integral part of the transitional constitution.

The agreement also includes texts on transition issues and tasks in ten points, the most important of which are:

- ① Security and military reform to distance the army from politics and prohibit the armed forces from engaging in investment and commercial activities, except those related to military industrialization and military missions under the jurisdiction of the Ministry of Finance.
- ② Launching a comprehensive process that achieves transitional justice.
- ③ Legal reform and reform of the judicial bodies in order to achieve their independence and integrity.
- ④ Stopping the economic deterioration and carrying out economic reform in accordance with a comprehensive and sustainable development approach that addresses the living crisis, favoring the poor and marginalized, and achieving the mandate of the Ministry of Finance on public money and works to combat all types of corruption.

(9) Adel Abdul Rahim, Text of the Framework Agreement between Civilian and Military Forces in Sudan, Anadolu Agency, on 2022/12/5, <https://is.gd/9fv3ym>

- ⑤ Removing the empowerment of the June 1989 ,30 regime, dismantling its joints in all state institutions, and recovering illegally acquired funds and assets.
- ⑥ Implementing of the Juba Peace Agreement with its evaluation and straightening.
- ⑦ Reforming state institutions.
- ⑧ Launching a comprehensive constitution-making process.
- ⑨ Organizing an inclusive electoral process by the end of the transitional period.
- ⑩ Adopting a balanced foreign policy.

It also deals with the organization of the structures of the transitional authority, which include:

- **First:** The Transitional Legislative Council formed by the signatories of the Political Declaration.
- **Second :** The transitional sovereign level, chosen by the forces of the revolution that signed the political declaration, provided that it is limited to civilian tasks that represent the head of the state, a symbol of sovereignty and a leader of the regular bodies.
- **Third:** The Transitional Council of Ministers, chosen by the revolutionary forces that sign the political declaration in accordance with the criteria of national competence and commitment to the revolution and the political declaration and the tasks and issues of transition. The Prime Minister in consultation with these forces has the authority to choose the ministerial staff and governors of states or areas. He also appoints regional, state or local governments; and he chairs the Security and Defense Council.
- **Fourth:** The judicial councils and independent commissions, including an interim judicial council of 11 members of the national legal competencies, the Supreme Judicial Council and the Supreme Council of the Public Prosecution.

This is in addition to organizing the tasks and obligations of the regular agencies, including the armed forces, the Rapid Support Forces, the police and the General Intelligence Service. The most important thing in the agreement is to oblige the military institution and restrict it to the constitutional system and the law, and to make it recognize the democratic civil system as a basis for governance and respect for the will of the Sudanese people in a democratic, pluralistic civilian government and work under its command. It further stipulates the prohibition of forming military, paramilitary militias and the regular forces from carrying out investment or commercial activities, except those related to military manufacturing and military missions.



The agreement is also praised for the integration of rapid support into the armed forces according to the agreed timetables. The agreement; however, does not detail these timetables. Nonetheless; there are questions raised about the ability of the Rapid Support Forces and its leadership to control the army itself after its integration into it, especially in light of what is raised about the ambitions of its current leadership to rise to power.

The agreement appears to be booby-trapped with issues left to the final agreement, namely justice, transitional justice, security and military reform, evaluation and straightening of the Juba Agreement for Sudan Peace and the completion of peace. Among the main problematic contents of the agreement, which is also left to the final agreement, is the process of dismantling the June 1989 ,30 regime, an issue that receives exaggerated attention and great arbitrary estimates, which contains the risk of frustrations that come as a result of high expectations in the beginnings and the much lower return than hoped for in the end, which is what happened significantly in most Arab Spring countries.

The Sudanese case is characterized by a radical revolutionary discourse that seeks to use this particular issue largely in a discursive and political manner. While demanding justice, the state and the rule of law, it tries to follow short routes, facilitate solutions, simplify and issue administrative orders outside the law regarding the dismantling of the former regime. This makes all procedures followed in this direction subject to challenge and revocation, like any procedures outside the rule of law, and does not establish a strong and transparent system, which may allow the emergence and development of a new corruption network and threaten the process of asset recovery itself.

Third:

Domestic and international reactions to the agreement:

The co-sponsors - led by the tripartite mechanism composed of the United Nations Support Mission (UNSMIL), the African Union (AU) and the Intergovernmental Authority on Development (IGAD) - welcomed the agreement as an achievement after months of negotiations and years of instability. According to the mechanism's statement on the same day of the signing of the agreement, "the agreement represents an important first step towards restoring a sustainable transition period and the formation of a civilian, democratic, accountable and credible government." The mechanism's statement also urged broad consultations to address the outstanding issues envisaged by the signatories of the Framework Political Agreement, including justice and transitional justice, security sector reform, the status of the Dismantling Committee, the Juba Peace Agreement, the economy, and the East. The communiqué also strongly urged the major political forces that had not yet signed the Framework Agreement to join the political process⁽¹⁰⁾.

The Quadripartite Mechanism, composed of the United States, the United Kingdom, Saudi Arabia and the United Arab Emirates as co-sponsors of the agreement, considered it "an essential first step towards the formation of a civilian-led government and the definition of constitutional arrangements to guide Sudan during the transitional period leading up to the elections", and imposed restrictions and sanctions related to the non-issuance of visas to those disrupting the agreement and their extended families⁽¹¹⁾.

The Saudi Foreign Ministry congratulated the Sudan on the agreement reached by the parties to the transitional period in the sisterly Republic of the Sudan and the signing of the framework agreement document, according to a statement by the Saudi Foreign Ministry⁽¹²⁾. The UAE welcomed the framework political agreement reached by the Sudanese parties to complete the transitional phase, as it enhances the stability of Sudan and establishes steps to ensure the building of a civilian-led government.

(10) United Nations Integrated Transition Support Mission in Sudan (UNITAMS), Tripartite Mechanism Statement on the Signing of the Framework Political Agreement, 5 December 2022, <https://is.gd/XortCB>

(11) U.S Department of State, Expanded Visa Restriction Policy for Individuals Undermining the Democratic Transition in Sudan, press statement, December 2022, 7, <https://is.gd/YipyCO>

(12) Saudi Ministry of Foreign Affairs, the text of the statement on the framework agreement in Sudan, dated 2022/12/5, <https://is.gd/jLcnl2>

A statement by the UAE Ministry of Foreign Affairs and International Cooperation appreciated the efforts of the members of the Tripartite Mechanism Group, the Quartet, the European Union and the Troika to mobilize support for this framework agreement, and to succeed in building and strengthening consensus⁽¹³⁾ among the actors.

More broadly, the Group of Friends of the Sudan⁽¹⁴⁾ issued a statement on the signing of the Framework Agreement, in which it welcomed the Agreement, commended the signatories and urged Sudanese actors to continue their efforts to conclude a final political agreement and form a credible civilian-led Government as soon as possible⁽¹⁵⁾.

Domestically, the Sudan witnessed a wide welcome by many civilian and military components of the agreement as a way out of a tight crisis represented in the absence of political and constitutional legitimacy of governance and the collapse of the State's ability to meet the escalating economic and social demands. It also witnessed great optimism about the new consensus between civilians and military on this framework agreement in the days following its signing. However, differences quickly began to surface again after the statements of Al-Burhan in Al-Maqil base on 17 December 2022, as he explained that there is no consensus between the parties to the framework agreement and that what took place is not a settlement as discussed, but rather understandings that can solve⁽¹⁶⁾ the Sudanese crisis.

In the context of these considerations, it can be said that many political forces and armed movements were not a party to the agreement and publicly opposed it for several reasons, the most important of which is that it enshrines the influence of the Rapid Support Forces of General Hemeti, and strengthens speculation about its intention to control the army and escalate itself politically gradually until it reaches power at one point in the same way that General ElSisi arrived in Egypt, which Hemeti maintains strong relations with him and his regional allies. The agreement also left the most important political, security and military transitional issues pending until the final agreement. The agreement may be a new reason for new differences between the political forces and sharp splits within them, especially since the focus on dismantling the Bashir regime in more than one item mobilized its supporters and the angry masses from the political and economic performance in the long transitional period, and automatically took them down the street on the same day as the agreement was signed, the resistance committees led protests against it⁽¹⁷⁾.

(13) UAE Ministry of Foreign Affairs and International Cooperation, UAE welcomes the Political Agreement in Sudan, dated 2022/12/6, <https://is.gd/7Oa0vD>

(14) German Foreign Ministry, Statement of the Group of Friends of Sudan on the signing of the Framework Agreement, 5 December 2022, <https://is.gd/l12ZzP>

(15) The group includes Canada, France, Germany, Japan, the Netherlands, Norway, Saudi Arabia, Spain, Sweden, Switzerland, the United Kingdom, the United States of America, the European Union, Italy and the United Arab Emirates.

(16) To see Al-Burhan's speech at the base of Al-Maqil, you can check the Al-Arabiya YouTube channel, on 2022/12/13, <https://is.gd/ghTNVE>

(17) "Sky News Arabia", Sudan.New protests after the signing of the framework agreement, on 2022/12/5, <https://is.gd/r6xdFB>

Moreover; the non-compliance of the military component and even its partners from the civil forces to previous political agreements - especially the constitutional document in 2019, and the amendment of some of its clauses to the Juba Peace Agreement on November 2020 ,2, to include some of the main provisions of the Juba Agreement in it - in addition to the political agreement between Al-Burhan and Hamdok on November 2021,21, and their reversing it; all this has made the commitment to this framework agreement to reach a final agreement in doubt, unless there is local, regional and international consensus to abide by it, and punish those who violate it.

The potential dispute over the constitution and the Transitional Legislative Council remains another problematic point. In general, the framework draft of the Transitional Constitutional Declaration stipulated the formation of a civilian government and a civilian-led Council for National Security and Defense Affairs. It also included issues related to the nature of the state to be a democratic and civilian, with federal rule through three levels of government (federal, regional and local), as well as addressing governance structures and the independence of the judiciary. The document also approved that the Bank of Sudan should be subordinate to the Council of Ministers, after it was in the previous document subordinate to the Sovereign Council, which appoints the governor and his deputies.

It can be said that the October coup resulted in lengthening the transitional period and in the reformulation and rephrasing of constitutional documents. The constitutional document for the transitional period of 2019 had drawn a road map for the tasks of the transitional period (2022-2019), which limited its main tasks to establishing a comprehensive sustainable peace in the areas affected by the civil wars in Sudan, addressing the collapsing economic situation, restructuring the civil and military institutions of the state, and setting the constitutional and legal framework for the democratic transition process, which faced many obstacles and challenges⁽¹⁸⁾.

However, the management of the military component of the conflict prevented the achievement of any of these tasks and even turned against it to prolong the transitional period once within the Juba Agreement and another with the provisions of the Framework Agreement which outlines a new transitional phase for a period of 24 months from the date of the formation of the transitional government, which is left to the consensus of the contradictory forces signatory to the agreement. All this time is not in the interest of Sudan as a whole, nor in that of the revolution in particular.



Fourth:

Future Paths of the Agreement:

The agreement remains important as a preliminary framework agreement whose implementation requires reaching a final agreement and several other executive matters, in addition to the need to expand consensus on it. Therefore, the political process in the Sudan soon after this agreement may take more than one scenario and a path that can be summarized as follows:

● **Scenario 1: Expanded consensus on the agreement:**

This scenario is based on a review of the criticisms and reservations expressed by the various parties, whether agreeing to the agreement and signing the documents and declarations associated with it or opening up to the narratives of the opponents of the agreement and trying to convince them of the need to join it as an inclusive political framework to end the transitional period and establish a smooth democratic transition that ensures the participation of all in the end. Such a scenario lays the ground to resolve controversial issues, establishes civil peace and national reconciliation, achieves the principles of transitional justice and respond urgently to the economic and social demands of all Sudanese.

It is a scenario that requires everyone to leave the contradictory dichotomies of identity and ideology [Islamist versus secular] , [communist-Islamist], and to uphold supreme national principles that govern the political interaction between Sudanese political forces and movements and ensure the neutrality of the army and state institutions towards everyone.

This scenario supports the regional and international consensus on the importance of Sudan's stability and the fact that the region and the world cannot afford a new crisis that could explode and lead into a situation worse than that of Ethiopia if it is not managed under the umbrella of politics and the peaceful management of the conflict. Furthermore, the UAE and Saudi Arabia are two of the Gulf countries with great weight and economic interests in Sudan are seriously seeking in this direction, albeit by separating the economic from the political, or by supporting the parties that they see as likely to stability in order to resume their plans and maximize their interests, whether in the agricultural or even commercial and logistical fields.

The two countries are greatly anticipating any adverse developments that would repeat the experience of the failure of the Arab coalition in Yemen on the other side of the Red Sea, where they suffered many losses and remained stuck in a quagmire without the ability to resolve the conflict through nearly eight years of stalled military and political operations at the very least.

Scenario 2: Divergences widen and return to square zero

This scenario is reinforced by the presence of a large number of dissident political blocs from their original parties and revolutionary forces that consider the agreement to be the result of external dictates and supporters of the permanent revolution from unframed movements, as well as some armed movements that are not signatories to the political declaration. In addition to those there are supporters of the former regime and its economic forces and networks of interests affected by the transitional process in its entirety and unable to adapt to it. Though such a group was shaken, it is still coherent. There are also doubts about the sudden approach of the military component and its shift from complete unilateralism of power to acceptance of the military principle of barracks and parties for elections. Likewise; there is talk about prolonging the transitional period which is not in the interest of the revolution or ordinary citizens, but in the interest of the military component to catch its breath and rearrange its priorities.

Scenario 3: Freezing the situation and preparing for a new coup:

The military's acceptance of the harsh conditions and texts to exclude them from political life completely under the banner of "the military to their barracks and parties for elections". This has left a snap in the chests of the military; and in this context we may read the statements of Al-Burhan in front of his soldiers that they turned on Hamdouk; because the civilians wanted to intervene in the affairs of the army. There is truth to the concern that the military's acceptance of the agreement seems to be just a tactical retreat to pass the current storm of international, regional and local pressure and then rearrange the cards locally and regionally, to ensure clear support for a new coup before the end of the new transitional period.

In this agreement, there is more time gaining, so that the street would forget what the first coup did to them economically, socially and security-wise. As such, civilians will be alone in facing the street with formal authorities, even for a year, similar to the Egyptian coup in July 2013. This can be understood by the frequent visits of security and military leaders between the two countries, while Egypt as a state is largely absent from the mechanisms of solution and consensus.

Conclusion


The current framework agreement remains the result of a local, regional and international consensus. It is a fait accompli option. Although it seems dreamy in some of its texts; especially with regard to the complete removal of the military institution from the political and economic life of the Sudanese, the sacrifices made by the Sudanese through the years of the current revolution or even previous revolutionary uprisings were meant to reach these convictions and those points in a written agreement that justifies such aspirations for democratic civilian rule. Democracy; however, is not built without an urgent economic and social response to the immediate needs of the Sudanese, who have begun to fidget with the option of a prolonged revolution, and sought consensus on the future of their country, which requires expanding the consensus on the framework agreement and speeding up the reaching of the final agreement and completing the tasks of the transitional period without the need for any further extensions.

In the last analysis, the likelihood of any of the scenarios remains linked to the intentions of the military council itself, the ability of the civilian forces that are partners in agreeing locally and the size of regional interventions, their trends and limits of their effectiveness. Until now, Egypt's position, which is sometimes inflated by the events there, is not known. Protesters in the East try to use this position to impose a solution to their issue. Egypt's strategic partners ; however, are the UAE, Saudi Arabia and the United States are there. At the same time, Hemetty and the army are trying to strengthen their relations with Russia and China through arms deals and mutual visits. Moreover, Qatar and Turkey have moved economically and intelligence-wise in Sudan cautiously since Bashir's fall.



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info@dimensionscenter.net