# Yoram Rabin Curriculum Vitae

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# **Higher Education**

1990-1994	College of Management Academic Studies, Haim Striks School of Law LL.B.
1994-1997	<b>Tel-Aviv University, Law Faculty</b> , Tel-Aviv, Israel LL.M., Magna Cum Laude (Dissertation title: The Right of Access to the Court as a Constitutional Right in Israel. Supervisor: Prof. Daphne Barak-Erez).
1998-2002	Tel-Aviv University, Law Faculty, Tel-Aviv, Israel J.S.D. (Dissertation title: The Constitutional Status of the Right to Education in Israel. Supervisor: Prof. Daphne Barak-Erez).
2007	Fordham Law School, New York. Post Doctorate (Visiting Scholar)

# Academic Ranks in Institutions of Higher Education

1998-2002	The Striks School of Law, The College of Management Academic Studies, Israel  Full time appointment
2002-2004	The Striks School of Law, The College of Management Academic Studies, Israel  Lecturer
2004-2009	The Striks School of Law, The College of Management Academic Studies, Israel Senior Lecturer
2009-2019	The Striks School of Law, The College of Management Academic Studies, Israel  Associate Professor

# Offices in Academic Administration

Haim Striks School of Law, The College of Management Academic Studies:

- Member of the Curriculum Committee (2002-2015)
- Member of the Academic Committee (2005-2015)
- Head of the Criminal Law Division (2002-2011)
- Member of the College's High Academic Council (2004-2015)
- Deputy Dean (2008-2011)
- Dean (2011-2015)
- Member of the College's Executive Board (2011-2013).
- President of the College (2019 and on).

# **Teaching Academic Courses**

# 1998-2019 The College of Management Academic Studies, Haim Striks School of Law

- Criminal Law (core course, 2001-2019).
- Constitutional Law (core course, 2005-2011).
- Administrative Law (core course, 2001 2005).
- Procedural Rights in Civil Procedure (since 2000).
- Economic, Social & Cultural Rights in Israel (since 2000-2006).
- Interpretative Issues arising from Amendment 39 to the Criminal Act (seminar, since 2003-2007).
- Moot Court (since 2000-2005).

# 2002-2003 **Tel Aviv University, Law Faculty**, Tel Aviv Israel

Visiting Lecturer, 2002-2003

Criminal Law.

# 2001-2002 The Hebrew University, Law Faculty, Jerusalem, Israel

Visiting Lecturer, 2001-2002

- Constitutional Aspects of Civil Procedure;
- Economic, Social & Cultural Rights in Israel.

# 2001-2011 Interdisciplinary Center, Radzyner School of Law & The Lauder School of Government Policy & Diplomacy, Israel

Visiting Lecturer, 2001-2011

- Public Law;
- Criminal Law.

#### 1998-2006 Academic Center of Law and Business, Israel

Visiting Lecturer, 1998-2006.

- Criminal Law,
- Constitutional Aspects of Civil,
- Procedure, Education Rights.

# **Editing Scientific Journals**

- Member of the editorial board of HaMishpat (Haim Striks School Law Review) (1993-1994).
- Editor in Chief of **HaMishpat** (Haim Striks School Law Review) (2005).
- Editor in Chief of **HaPraklit** (The Israeli Bar Law Review) (2006-2016).

# Prizes and Scholarships

1994	The Israeli Association for Parliamentary Issues prize for Seminar, Jerusalem.
1998-1999	Studies Scholarship, The Cegla Center for Comparative and Private International Law, Tel-Aviv University Faculty of Law.
2000	Raul Wallenberg Prize for Ph.D., Tel-Aviv University Faculty of Law.
2005	Selected as the outstanding Lecturer of the 2004 Academic Year, The College of Management Academic Studies, Haim Striks School of Law, Israel.

# **Public Activities**

2003-2004	The National Committee for Reform of Education ("Dovrat Committee")  Committee Member (Special Appointment by the Minister of Education, Culture & Sport).
2004-2015	The Freedom of Information Movement in Israel – Board Member (since 2005).
2006-2015	The Israeli Association of Public Law – Member (since 2003); Secretary of the Association (2006-2009); Board Member (since 2009).

# <u>Participation in Scholarly Conferences, Colloquia and Invited Talks (a selection)</u>

2001	The Right to Education: The Question of Remedies - International
	Conference on Social Rights (The Minerva Center for Human Rights,
	The Tel-Aviv University & The Hebrew University of Jerusalem).

The Constitutional Right to Education and its Implementation in the Ultra-Orthodox Education System – International Colloquium on Education in a Multicultural Society (The Minerva Center for Human Rights, The Tel-Aviv University & The Hebrew University of Jerusalem).

2002	Social Rights from the Procedural Sphere – The International Human Rights Day: Ten Years Anniversary for the Israeli Constitutional Revolution (Haifa University, 10 Dec. 2002).
2006	The Israeli Unfinished Constitutional Revolution – Has the Time Come for Protecting Economic and Social Rights in Israel – The Israeli-German Law Symposium on Comparative Law – University of Saarland (Saarbrucken, Germany, 20-23 June, 2006).
2008	<b>The Constitutional Right to Health Care</b> – The 8 <sup>th</sup> Israeli Bar Yearly Conference (Eilat, 26 May 2008).
2009	<b>Violence and aggression in the Israeli Society</b> – The Annual Justices Conference, 29 Aug. 2010.
2009	The Contribution of Justice Dalia Dorner for the Establishment of the Right to Education in Israel – A Conference in Honor of Justice Dalia Dorner and her Contribution for the Establishment Human Rights in Israel (Mishkenot Sha'ananin, Jerusalem, 12 July 2009).
2011	Restitution Claims against Administrative Authorities – The 11 <sup>th</sup> Israeli Bar Yearly Conference (Eilat, 30 May 2011).
2012	<b>Trends in Mediation and plea bargains</b> – The Israeli Bar Yearly Criminal Law Conference (Eilat, 17 Feb. 2012).
2012	<b>Minority Report</b> – The 12 <sup>th</sup> Israeli Bar Yearly Conference (Eilat, 22 May 2012).
2013	One Second from Jail: Causing Death by Negligence - The 13 <sup>th</sup> Israeli Bar Yearly Conference (Eilat, 28 May 2013).
2013	Disparities between Jews and Arabs in the Israeli Criminal Justice System – Mishpatim Law Journal Conference on Empirical Research in Law (20 June 2013) (with Giora Rahav & Eppi Yuchtman-Yaar).
2013	L.G. Hart Legal Workshop 2013 – The Constitution of the Public Sphere: The Post-Leveson Landscape, Institute of Advanced Legal Studies, University of London (London, UK, 24-25 June 2013).
2014	<b>The Proposal of a New Murder Offence</b> – A Criminal Conference of the Practical Law Curses of the Israeli Bar (4 Jan. 2014).
2014	<b>Process and Substance in Public Law</b> – University of Cambridge Faculty of Law, 2014 Public Law Conference (Cambridge, UK, 15-17 Sep. 2014).
2015	<b>Self Defense and PTSD</b> – Conference: Justice, Law and Racism (Tel Aviv University Law Faculty, 20 Ian, 2015).

- 2015 The Issacharov Case and the Voir Dire In Israel A Conference in Honor of the Retired Chief Justice of the Israeli Supreme Court, Judge Asher Grunis (Tel Aviv University Law Faculty, 22 June 2015) (with Barak Ariel & Binyamin Blum).
- 2015 "Confessions in Israel: Recent Trends in Voir Dire" The Jerusalem Crime Group Annual International Symposium "Effective Law Enforcement Initiatives" (The Law Faculty, the Hebrew University, 23 June 2015) (with Barak Ariel & Binyamin Blum).
- The Law Governing the Right of Enemy Alien's Access to Courts conference: Constitutionalizm under Extreme Conditions (Haifa University, 18-19 July 2016) (with Roy Peled & Liav Orgad).
- 2018 Environmental Audit (promote knowledge sharing and capacity development in ASOSAI community in the field of environmental auditing for sustainable development), in the 14<sup>th</sup> Assembly of ASOSAI (Hanoi, Vietnam, 19-22 Sep. 2018).
- Justice Cheshin's Contribution for Establishing of the Right of Access to Court Minority Report: A Conference in Honor of Michael Cheshin (The Supreme Court in Jerusalem and The IDC Herzliya, 31 Oct. 1 Nov. 2018)
- 2019 **Real Time Audit** The third EUROSAI-ASOSAI International Joint Conference, Emerging Issues & Emergency Situations (Jerusalem, Israel, March 2019) (with Inbal Efron-Weinstein & Isaac Becker).

# Professional Experience (outside the academia)

1995 The Israeli Bar

Member

1994-1997 Yuval Levy & Co. Law Firm, Tel-Aviv, Israel

- Articled Clerk, 1994-1995.
- Attorney, 1995-1997.
- 2016-2019 State's Comptroller Office, Jerusalem

The Legal advisor of the State's Comptroller Office (head of the legal division of the office – total staff of 16).

# Military Service in the Israel Defense Force (IDF)

#### 1985-2002 Military Police, Criminal Investigation Department

As an Investigation officer I Supervised 40 soldiers and handled numerous investigations regarding criminal matters.

- Promoted to rank of Lieutenant, 1988
- Promoted to rank of Captain, Apr. 1994
- Promoted to rank of Major, Mar. 1999

# 2002-2011 Military Courts Unit

Appointment to Judge in Military Courts (Rank of Major).

# **Publications**

# A. Academic Books

#### Authored Books

- 1. Yoram Rabin, **Access to Court as a Constitutional Right** (Bursi Law Books Publishing, 279 pages, 1998) (in Hebrew).
- 2. Yoram Rabin, **THE RIGHT TO EDUCATION** (Nevo Publishing, 578 pages, 2002) (in Hebrew).
- 3. Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (The Israeli Bar Association Publishing, 845 pages, 2008) (in Hebrew).
- 4. Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (Second edition, two volumes, The Israeli Bar Association Publishing, 1251 pages, 2010) (in Hebrew).
- 5. Yoram Rabin & Yaniv Vaki, **CRIMINAL LAW** (third edition, three volumes, The Israeli Bar Association Publishing, 2141 pages, 2014) (in Hebrew).

# **Edited Books**

- 6. Yoram Rabin & Yuval Shany (eds.), **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** (Ramot Publishing Tel-Aviv University, 2004) (in Hebrew).
- 7. Dror Arad-Ayalon, Yoram Rabin & Yaniv Vaki (eds.), **DAVID WEINER BOOK ON CRIMINAL LAW AND ETHICS** (The Israel Bar Publishing House, 766 pages, 2009) (in Hebrew).

#### Edited Special Journal Issues

8. **LAW AND INTERNET** (Asaf Harduf, Yaniv Vaki & Yoram Rabin, eds., a special issue of HAPRAKLIT – THE ISRAEL BAR LAW REVIEW, 2013) (in Hebrew)

# **B.** Articles in Refereed Journals

- 1. Yoram Rabin, Shurat Hamitnadvim and the Verdict of History, 3 HAMISHPAT 387 (1996) (in Hebrew).
- 2. Yoram Rabin, The Right of Access to Courts From an Ordinary Right to a Constitutional Right, 5 HAMISHPAT 217 (2000) (in Hebrew).
- 3. Yoram Rabin, The Right to Counsel and Legal Aid in Civil Proceeding, 6 HAMISHPAT 225 (2001) (in Hebrew).

- 4. Yoram Rabin & Michal Lodzki, *The Continued Financial Discrimination of the Arab Sector in Israel*, 7 **HAMISHPAT** 505 (2002) (in Hebrew).
- 5. Yoram Rabin, The Living Constitution: The American Constitution between Past and Present, 8 HAMISHPAT 727 (2003) (in Hebrew).
- 6. Yoram Rabin & Keren Meidar, On the Right to Education and the Right to Equal Education in the Field of Special Education, 8 **HAMISHPAT** 541 (2003) (in Hebrew).
- 7. Yoram Rabin & Yuval Shany, The Israeli Unfinished Constitutional Revolution: Has the Time Come for Protecting Economic and Social Rights? 37 ISRAEL LAW REVIEW 299 (2003-2004).
- 8. Yoram Rabin & Roy Peled, Between FOI Law and FOI Culture: The Israeli Experience 1 (Issue 2) **OPEN GOVERNMENT: JOURNAL ON FREEDOM OF INFORMATION** (2005) 41.
- 9. Yoram Rabin & Tamir Shaanan, *Jurisdiction Ratione Materiae over Education-Related Petitions* 49(1) **HAPRAKLIT THE ISRAELI BAR LAW REVIEW** 257 (2006) (in Hebrew).
- Liav Orgad, Yoram Rabin & Roy Peled, Transfer of Sovereignty over Populated Territories from Israel to a Palestinian State: The International Law Perspective, 10 MISHPAT UMIMSHAL – LAW AND GOVERNMENT IN ISRAEL 187 (2006) (in Hebrew).
- 11. Yoram Rabin & Roy Peled, Seven Years of Freedom of Information: Has the Desired Transparency Been Attained? 11 HAMISHPAT 625 (2007) (in Hebrew).
- 12. Yoram Rabin & Arnon Gutfeld, Marbury v. Madison and its Impact on the Israeli Constitutional Law, 15 UNIVERSITY OF MIAMI INTERNATIONAL AND COMPARATIVE LAW REVIEW 303 (2007).
- 13. Yoram Rabin & Roy Peled, Transfer of Sovereignty over Populated Territories from Israel to a Palestinian State: The International Law Perspective, 17 MINNESOTA JOURNAL OF INTERNATIONAL LAW 59 (2008).
- 14. Yoram Rabin & Yuval Shany, The Case for Judicial Review over Social Rights: Israeli Perspectives, 14 ISRAEL AFFAIRS 700 (2008).
- 15. Yoram Rabin, Yonatan Livni, Post Traumatic Stress Disorder as a Defense in Criminal Law, 5 HAIFA LAW REVIEW 205 (2010) (in Hebrew).
- 16. Hadar Dancig-Rosenberg, Yoram Rabin & Yariv Navon, Developments in Criminal Law: Legislative and Judicial Actions Contradicting or Supplementing Trends?, 6 HAIFA LAW REVIEW 201 (2011) (in Hebrew).
- 17. Roy Peled & Yoram Rabin, *The Constitutional Right to Information*, 42 **COLUMBIA HUMAN RIGHTS LAW REVIEW** 357 (2011).

- 18. Yoram Rabin & Nuriel Or, On the Right of Homeschooling, 14 LAW & BUSINESS 803 (2012) (in Hebrew).
- 19. Yaniv Vaki & Yoram Rabin, The New Criminal Sentencing System in the Israeli Criminal Act: Present and Future, 52(2) HAPRAKLIT THE ISRAELI BAR LAW REVIEW 413 (2013) (in Hebrew).
- 20. Liav Orgad & Yoram Rabin, Access to Courts for Enemy Aliens (Following CAR 993/06 State of Israel v. Dirani), 29(2) BAR-ILAN LAW STUDIES 469 (2014) (in Hebrew).
- 21. Yaniv Vaki, Ruthie Kamini & Yoram Rabin, *The Imprisonment in the Israeli Criminal Code*, 53(1) **HAPRAKLIT THE ISRAELI BAR LAW REVIEW** 1 (2014) (in Hebrew).
- 22. Yoram Rabin & Yaniv Vaki, *The Protection of an Unborn Child in Criminal Law* 19(1) **LAW & BUSINESS** 1 (2015) (in Hebrew).
- 23. Giora Rahav, Yoram Rabin & Eppi Yuchtman-Yaar, Disparities between Jews and Arabs in the Israeli Criminal Justice System 13 OHIO STATE JOURNAL OF CRIMINAL LAW 233 (2015).
- 24. Arnon Gutfeld & Yoram Rabin, The Judicial Review Controversy: Marbury v. Madison and Its Manifestations in the Israeli Constitutional Revolution, 45 ISRAEL YEARBOOK ON HUMAN RIGHTS 191 (2015).
- 25. Giora Rahav, Eppi Yuchtman-Yaar & Yoram Rabin, Disparities between Jews and Arabs in the Israeli Criminal Justice System 54 HAPRAKLIT THE ISRAELI BAR LAW REVIEW 3 (2016) (in Hebrew).
- 26. Binyamin Blum, Yoram Rabin & Barak Ariel, The Admissibility of Confessions Under Israeli Law: Procedural and Substantive Differences Between the Free and Voluntary' Standard and the Judicial Exclusionary Rule for Unlawfully Obtained Evidence, 46(3) MISHPATIM THE HEBREW UNIVERSITY LAW JOURNAL 815 (2017) (in Hebrew).
- 27. Arnon Gutfeld & Yoram Rabin, Homeschooling in the U.S. and Its Lesson for Israel, 47 ISRAEL YEARBOOK ON HUMAN RIGHTS 175 (2017).
- 28. Khalid Ghanayim, Mohammed S. Wattad, Yoram Rabin and Yaniv Vaki, Rethinking the English "Born Alive Rule": Comparative and Doctrinal Study, 26(2) ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 287 (2020).
- 29. Yoram Rabin, Yaniv Vaki & Isaac Becker, From Ancient Israel to Modern Israel: The Historical Development of the Protection of a Fetus in Criminal Law, 50 ISRAEL YEARBOOK ON HUMAN RIGHTS 149 (2020).

# C. Articles or Chapters in Scientific Books

- 1. Yoram Rabin, *The Right to Education Its Status and Scope in Israel*, **ECONOMICS**, **SOCIAL & CULTURAL RIGHTS IN ISRAEL** 567 (Yoram Rabin & Yuval Shany, eds, Ramot Publishing Tel-Aviv University, 2004) (in Hebrew).
- 2. Yoram Rabin, *Social Rights from the Procedural Sphere*, **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** 765 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing Tel-Aviv University, 2004) (in Hebrew).
- 3. Yoram Rabin & Yuval Shany, *The Social Rights: An Idea Whose Time Has Come*, **ECONOMICS, SOCIAL & CULTURAL RIGHTS IN ISRAEL** 11 (Yoram Rabin & Yuval Shany, eds., Ramot Publishing Tel-Aviv University, 2004) (in Hebrew).
- 4. Yoram Rabin, Affirmative Action in the United States: The Rise and fall?, **AFFIRMATIVE ACTION AND EQUAL REPRESENTATION IN ISRAEL** 89 (Anat Maor, ed., Ramot Publishing Tel-Aviv University, 2004) (in Hebrew).
- 5. Yoram Rabin, *The Many Faces of the Right to Education*, **EXPLORING SOCIAL RIGHTS BETWEEN THEORY AND PRACTICE** 265 (Daphne Barak-Erez & Aeyal Gross, eds., Hart Publishing, Oxford, 2007).
- Yoram Rabin, Roy Peled, The Constitutional Freedom of Information, DALIA DORNER BOOK (Dorit Benish, Shulamit Almog, Yaad Rotem, eds., Nevo Publishing, 2009) (in Hebrew).
- 7. Yoram Rabin, *The Right to Education and the Obligation to Educate*, **PARASHAT HASHAVUA** Vol IV 94 (Aviad Hacohen & Michael Vigoda, eds., Ministry of Justice, 2012) (in Hebrew).
- 8. Yoram Rabin & Arnon Gutfeld, *Marbury v. Madison and its Reflection in the Israeli Constitutional Law*, **EDMOND LEVI BOOK** 75 (Ohad Gordon ed., the Harry and Michael Sacher Institute, the Hebrew University of Jerusalem, 2017) (in Hebrew).
- 9. Yoram Rabin, Attempts Versus Completed Offenses (comments to chapter 10 of George P. Fletcher's **BASIC CONCEPTS OF CRIMINAL LAW**, Ephraim Heiliczer & Mordechai Kremnitzer, eds., the Israeli Bar Publishing House, 2018) (in Hebrew).
- 10. Yoram Rabin & Alon Rodas, *Testamentary Clauses that Restrict Access to Courts*, **YORAM DANZIGER BOOK** 595 (Limor Zer-Gutman & Ido Baum, eds., Nevo Publishing, 2019) (in Hebrew).
- 11. Liav Orgad, Roy Peled & Yoram Rabin, The Law Governing the Right of Enemy Aliens to Access to Courts, CONSTITUTIONALISM UNDER EXTREME CONDITIONS: LAW, EMERGENCY, EXCEPTION 139 (Yaniv Roznai & Richard Albert, eds., Springer Publishing).

#### D. Entries in Encyclopedias

- 1. Assaf Meydani & Yoram Rabin, *Israel: Public Law*, **ENCYCLOPEDIA OF PUBLIC ADMINISTRATION AND PUBLIC POLICY** (3<sup>rd</sup> Edition, Melvin Dubnick & Domonic Bearfield eds., 2015).
- 2. Yoram Rabin & Matan A. Gutman, *The Right to Education*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017).
- 3. Isaac Becker & Yoram Rabin, Beit Surik Village Council v. Government of Israel and Commander of the IDF Forces in the West Bank, MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017).
- 4. Yoram Rabin & Assaf Meydani, *Public Committee Against Torture in Israel v. State of Israel*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2017).
- 5. Yoram Rabin, Eli Mersel & Alon Rodas, *Audit*, **MAX PLANCK ENCYCLOPEDIA OF COMPARATIVE CONSTITUTIONAL LAW** (Rainer Grote, Frauke Lachenmann, Rüdiger Wolfrum eds., Oxford University Press, 2020).

#### E. Case Notes and Other Publications

#### **Published**

- 1. Yoram Rabin, Efficiency and Prejudice, ISRAEL BAR'S 50<sup>TH</sup> ANNIVERSARY BOOK (Yael Gvirtz ed., 2011) (in Hebrew)
- 2. Yoram Rabin, *Hospitality to Enemies*, **THE LAWYER**, page 78 (Oct. 2011) (in Hebrew).
- 3. Yoram Rabin, Sex Offenders' Hunt on the Internet, 2 ATTORNEY'S OFFICE LAW JOURNAL 7 (Sept. 2014) (in Hebrew).
- 4. Yoram Rabin & Yaniv Vaki, *The Racial motive in Criminal Law*, 103 **THE BAR** 40 (Feb, 2015) (in Hebrew).
- 5. Yoram Rabin, *Train up a Child in Our Way*, 49 **HAMISHPAT' ONLINE: HUMAN RIGHTS** 5 (Nov. 2015) (in Hebrew).
- 6. Yoram Rabin & Yaniv Vaki, *The Criminal Responsibility for Killing a Fetus*, 3 **ATTORNEY'S OFFICE LAW JOURNAL** 150 (Dec. 2015) (in Hebrew).
- 7. Yaniv Vaki & Yoram Rabin, *Stealing out of Necessity*, 85 **HaMishpat' Online: Human Rights** 4 (Dec. 2018) (in Hebrew).

- 8. Yoram Rabin & Tehila Winograd, Reasonable Suspicion of Criminal Offence During an Audit: On Section 14(C) of the Israeli State Comptroller Act 1958, 63 THE ISRAELI JOURNAL OF STATE AUDIT 75 (2018) (in Hebrew)
- 9. Yoram Rabin & Alon Rodas, Justice Cheshin's Contribution for Establishing of the Right of Access to Court, ICON-SIL Blog (18 Dec. 2018) (in Hebrew).
- 10. Yoram Rabin & Alon Rodas, Restraint Orders, 5 ATTORNEY'S OFFICE LAW JOURNAL 137 (Aug. 2019) (in Hebrew).
- 11. Yoram Rabin & Inbal Efron-Weinstein, Real Time State Audit, ICON-SIL Blog (27 Nov. 2019) (in Hebrew).
- 12. Yoram Rabin & Tehila Winograd, State Audit Work that Raises a Suspicion of Criminal Conduct the Case of Israel, 63 ISRAEL JOURNAL OF STATE AUDIT 75 (2019).