



SIATS Journals

**The Journal of Sharia Fundamentals for
Specialized Researches**

(JSFSR)

Journal home page: <http://www.siats.co.uk>



مجلة أصول الشريعة للأبحاث التخصصية

المجلد 2 ، العدد 4 ، تشرين الأول ، أكتوبر 2016م.

e ISSN 2289-9073

**Totalitarian power in front of the challenge of independence
of the judiciary**

Sabah Farag Saad Madi

Shima Mohamed musbah almlian.

Assoc. Prof. Dr. Ruzman Md Noor

Academy of Islamic Studies/University of Malaya

sabahmathe@yahoo.com

1438هـ – 2016م



ARTICLE INFO

Article history:

Received 25/7/2016

Received in revised form 5/8/2016

Accepted 12/9/2016

Available online 15/10/2016

Keywords:

Insert keywords for your paper

ABSTRACT

To attain a society in which people are blessed with democracy and freedom, independent and impartial adjudication is fundamental. Safety, happiness and peace of a society is highly depends on the confidence that people possess towards their judicial institution. People's rights should be preserved and protected by the laws issued by judicial authority. That is, to give a wise and impartial judgment for each matter presented in the court. In This article, we attempt to clarify the basic concepts of Independence of the Judiciary, relations with Executive and Legislature in the light of the judicial system to attain extreme justice. Effects of the government sectors on the judiciary and vice versa is stated in details in this article with the statement of the ways on how prevent the judiciary independence. Preliminary results of this investigation showed that a number of judges believe that such tendencies have no significant influence on management of justice.

Keywords: Independence, independence, judiciary, concept, society.



الملخص

من أجل وصول الى مجتمع متكامل مع الديمقراطية والحرية والاستقلال والفصل بين السلطات بشكل نزيه هو أمر أساسي، بهدف تحقيق السلامة والسعادة والسلام بين الناس في المجتمع، ويعتمد ذلك بشكل كبير على مدى ثقة الناس نحو المؤسسات القضائية، وينبغي بذلك الحفاظ على حقوق الشعب وتحميها القوانين الصادرة عن السلطة القضائية، من أجل إعطاء حكم حكيم ونزيه لكل مسألة معروضة في المحكمة، وفي هذه المقالة نحن نحاول توضيح المفاهيم الأساسية لاستقلال السلطة القضائية، وعلاقتها مع السلطة التنفيذية والتشريعية في ضوء النظام القضائي لتحقيق العدالة، وذكر الآثار المترتبة على القطاعات الحكومية وعلى القضاء والعكس بالعكس، وكل التفاصيل في هذه المقالة، فضلاً عن بيان السبل بشأن كيفية تحقيق استقلال القضاء، وإظهرت النتائج الأولية لهذه التحقيقات أن عدداً من القضاة لديهم نفوذ كبير على إدارة العدالة.

الكلمات الدلالية : القوة، الاستقلال، القضاء، المجتمع.

1. Introduction

The concept of judicial independence is that the judiciary has to be away or independent from some of the governmental sectors that sometimes seem to have a milestone effect on the judicial sector. That is, courts should not be subjected to an improper influence from the aforementioned branches, or any other means. (www.wikipedia.org). Free society necessitates an independent judiciary. This latter ensures the rule of the law, attain the concept of human rights and the preserve the properties and the stability of a society. Usually, constitution is the major factor that assures the independence of judiciary. However, legislation and many other suitable norms could also assure its independency.

Just and effective state is mainly built on many fundamentals; one of them is the judicial independence. Judicial independence has never been found to protect the judiciary itself, indeed, it has been found to protect the public as well as to protect the rights of the public to appear before the independency and impartial of the tribunal(www.unodc.org). Different understanding and means of the judicial independence could arise within people. It refers to the ability of judges to decide disputes impartially despite real, potential, or giving favors. This independency provides the judges the ability to protect individual's rights even before popular opposition. Further notation of the independence judiciary is that an individual judge or a collective judiciary take decisions, without getting influenced by any (social, political, cultural and economical) pressure, neutrally based on the injunctions of law (Sabah et al., 2015).

The pattern 'Independence and impartiality' is an alliterative pairing which can be found in every human rights treaty, despite in fact of being disparate concepts with different legal histories. 'Independence' could be explained when putting judges in a position to act according to their conscience and the justice, free from government's pressures, funding bodies, armies, or any other means of state power or inappropriate influence that may bear upon them. On the other hand, 'Impartiality', is the judicial characteristic of dis-interest towards parties and their causes in litigation. Undoubtedly, there are some overlaps where the judges are not independent of the state will be perceived (and may actually become) partial to the state when it is a party to litigation in their court. There is prolific domestic and international case law concerning impartiality because questions relating to real or apparent judicial bias occur all the time, and the appropriate tests are well established. Judicial

Independence is a concept that has not been fully explored, despite the frequency of allegations that judges are overawed by government or subject to secret political directives.

To attain the true democracy in a state, judicial independence is fundamental, both as a guarantor of the separation of powers in the state and the rule of law. It is the only way to assess the powerful of the government. When the government commands an overall majority in parliament and could put by its otherwise untrammelled law-making and executive power the liberty of citizens at risk. Judiciary independence ensures justice and equity through the predictability of the court decisions that cannot be overruled by a political establishment. In practical terms, as recent studies have shown (Maria, 2012), it may promotes rapid growth in economic sector because investors may feel more secure if they have access to an independent judiciary to resolve any disputes against the state or against competitors favored and supported by the government.

Judicial review and judicial independence are different. Judicial review policy is the authority of both lower and higher courts to investigate whether the laws and policy measures passed by the legislative are in accordance with the constitution and had been enacted according to the stipulated procedures. Measures in which they violate those conditions are annulled. Judicial review offers a fundamental protection of individual's freedom against abuses of power by elected and/or appointed state officials. Judicial independence carries out the function of dispute resolution regardless to the power and political preferences. Judicial independence mainly focuses on the resolution of disputes between the state and the citizens, private parties, and different government bodies.

2. Dimensions of Judicial independence

Judicial independence is critically important for three dimensions of governance. First is the protection of human rights. This duty requires, independent judges not for their own sake but for the sake of the society that they serve. The Second dimension, judicial independence facilitates political stability and fairness. Rule of Law is an important political ideal today (Tamanaha 2004; Waldron, 2008). Finally, judicial independence is critical for the development of healthy and sound economies (Sabah et al., 2015). Traditionally, judicial independence means that the judicial arm of government and individual judges are left free to operate without any undue pressure or interference from either the legislature or the executive.



3. Balance between judicial effectiveness and justice

A balanced mind is a hallmark of a good judge and therefore it is necessary in judicial administration. In the midst of achieving efficiency there is a caution to be exercised. Speed in disposal of cases is only one element of judicial effectiveness. An over-emphasis on efficiency would have an impact against effectiveness. Counsels who lack time to prepare their cases are unable to present their cases properly and adequately to judges. Judges whom have un-sufficient time to hear cases and to deliberate on matters/issues before them would be more likely than handing down poor quality decision in which reflects on the quality of the judiciary. A judiciary is only as effective as the quality of its judges and a balanced system should be set in place to allow them to get on with the task of judging. Judicial independence of judicial administration can help judges achieve justice but if a right balance is not achieved and maintained it can intrude on the liberty of others and take the litigants further away from the goal of justice.

5. Closer Look at the Concept of Judicial "Independence"

The researcher may be troubled by the assumption that the "independent" judiciary is really independent of interest-group political pressures, by our failure to present an explicit theory of judicial behavior, and by the existence of alternative theories of the independence of the judiciary. It is unrealistic to suppose the judiciary wholly independent of the current desires of the political branches. The legislature could refuse to appropriate funds to pay the judges salaries; the executive could refuse to enforce judicial decrees.

Short of outright confrontation, there are various methods by which the political branches can impose costs on the judiciary, such as budgetary harassment, tinkering with the court's jurisdiction, and altering the composition of the judiciary by the creation of many new judgeships. Yet such devices have been resorted to infrequently, even in periods of intense hostility to judicial rulings. The reason, we conjecture, is the high costs of the available methods of harassment in relation to the benefits sought. The current legislature may want judicial interpretations that gut some existing laws, but if it tries to procure them by forms of coercion that impairs the functioning of the judiciary across the board, it will impose costs on all who use the courts, including various politically effective groups and indeed the beneficiaries of whatever legislation the current legislature has enacted.

Meanwhile, the fact that the legislative and executive branches have means of coercing the judiciary helps to explain why the self-interest of independent judges is

promoted by enforcing legislation according to its original tenor. If courts are not valued highly, the imposition by the current legislature of coercive measures that impair the courts effective functioning will not be perceived as highly costly, and such measures will therefore be imposed more often. The value (both social and private) of courts is a function in major part of the predictability of their decisions and decision according to the original meaning of a statute rather than according to the ever-shifting preferences of successive legislatures. is probably an important source of that predictability, in part because such a decision is based on materials (for example, the congressional debates) available to all to study and base predictions of judicial behavior on. In short, the ability of courts to maintain their independence from the political branches may depend at least in part on their willingness to enforce the "contracts" of earlier legislatures according to the original understanding of the "contract."

There is possibility that although the judiciary is independent of the political branches, interest groups will intervene directly with judges in order to redo the results of the already declared legislative process. However, the methods of imparting independence from the political branches of government also serve to reduce the possibility of direct or indirect bribery of the judges by interest groups. Life tenure in circumstances where the job holder intends to remain in the job for their life span, reduces the likelihood because it is difficult to detect form of bribery that consists of dangling prospects of future employment before the bribe taker. Life tenure also increases the expected penalty for bribery, assuming dismissal is a major sanction for bribery.

6. The Judicial Independence Why is it Important?

The term "judicial independence" is often mentioned when discussing the justice system, but is not always well-understood. The purpose of these comments is to help the public understand what judicial independence is! And why it is important?

Those who come before the courts must be certain that decisions made by those courts are not subject to outside influence. Judicial independence means that judges are not subjected to any pressure and/or influences, and are free to make impartial decisions based solely on fact and law. Judicial independence is often misunderstood as something that is for the benefit of the judge. It is not. It is the public's guarantee that a judge will be impartial.



It has been suggested that judges may use independence as a “shield” against scrutiny. This is a mistaken view. Judges have a responsibility to protect their independence and impartiality. They do so not out of self-interest, but as an obligation they owe to the public who have entrusted them with decision-making power, and to whom they are ultimately accountable to maintain the public’s confidence.

To preserve judicial independence, the *Constitution* requires three factors:

1. Security of tenure: Once appointed, a judge is entitled to serve on the bench until the age of retirement, unless, for Superior Court judges, both houses of Parliament agree that he or she should be removed from office, or for Provincial Court judges, a tribunal established under the *Provincial Court Act* has ordered that he or she should be removed from office.
2. Financial security: Judges are paid sufficiently and in a manner so they are not dependent on or subject to pressure from other institutions.
3. Administrative independence: Courts must be able to decide how to manage the litigation process and the cases judges will hear.

It is easy to see how the first two aspects are important to ensure free-judges from government or private pressures affecting their impartiality. However, the third aspect, administrative independence seems more complex.

The court as a whole must remain separate from other branches of government to prevent any suggestion of improper influence.

The aspects of administrative independence are necessary to maintain a constitutionally-sound separation between the judiciary and other branches of government. These aspects include:

1. The assignment of judges to hear particular cases;
2. The scheduling of court sittings;
3. The control of court lists for cases to be heard;
4. The allocation of courtrooms; and
5. The direction of registry and court staff in carrying out these functions.

It is important to understand why these functions must remain within judicial control. First, the public could not have confidence in the independence and impartiality of the courts if others apart from the judicial branch could control or manipulate proceedings by interfering in any of these functions. A judge cannot be independent if the necessary support staff is unavailable, or is subjected to others.

All recognize that there is a requirement for accountability for the allocation and disposition of the resources, human and otherwise, necessary to the proper

functioning of the courts. There is bound to be continuing tension between the uncertain and varying demands for the resources, and the constraints on those who must budget for the supply of those resources. But if there is a business case to be made for cost savings, that case must be made within the confines of what is permitted by the *Constitution*.

Reforms also need to be examined in context. For example, it has been suggested that “overbooking” (the setting of more than one case before the same judge on the same day) is inefficient and costly, because one or more counsel and parties who attend at the appointed day will have their cases adjourned. That would be one result of overbooking. But this view overlooks the fact that overbooking often leads to more effective utilization of judicial and other court resources, taking into account the number of cases that normally settle on the eve of trial or do not proceed for other reasons.

Historically, court proceedings are based on an adversarial system. The parties present their opposing positions, witnesses are called and cross-examined. The judge sits as a neutral decision-maker. It is not a perfect system, and it continues to evolve, but in its essential form, and particularly in the area of criminal law, it is a system that has worked well for centuries.

In the adversarial system, the preparation and presentation of cases is left primarily in the hands of the lawyers representing the adverse parties. The courts exercise some measure of control over this with respect to the accused’s constitutional rights, as well as the professional obligations of the lawyers to their respective clients.

The adversarial system is one feature of the legal system that makes it uneasy to fit with the application of business analysis and management systems designed for both business and government enterprise. The judiciary of each court has drawn upon such analysis to develop projects and systems to serve the public in a best manner that also recognizes the constitutional structures and rights that underpin the legal system.

There are many other factors which require consideration when seeking to improve the justice system. None could predict with confidence the number of cases coming into the system at any given time, and none could predict their complexity or the time they will require to be heard and resolved. Predetermined limits on human resources by those outside the judicial system are likely to give rise to serious problems. Flexibility is necessary if changing demands for judicial and court resources are to be met.



7. Other Types of Independence

It is important to distinguish between judicial independence and the sort of independence that characterizes the role of other members of the legal system. Police, prosecutors and defense counsel altogether have to make important decisions in the detection, prosecution and defense of persons alleged to have committed crimes.

There is a critical distinction between the police and Crown prosecutors on the one hand, and the judiciary on the other. The police and prosecutors are in the employ and within the authority of the executive branch of government. Although required to exercise their duties impartially and independently, at the end of the day they are agents of the Crown.

Government in its many manifestations is frequently a party to court proceedings in an adversarial role. For example, the state is behind every criminal prosecution. Government agencies are frequently either parties to court proceedings, or are subject to having their decisions reviewed in the courts. Courts are called upon to decide disputes between our Aboriginal peoples, and various levels of government, or government agencies. Courts also have to rule on the validity of legislation, as to whether it is within the powers given to the Legislature or Parliament by the *Constitution*, and whether it conforms to the requirements of the *Charter of Rights and Freedoms*.

So while police and prosecutors must be independent within their proper spheres, their independence is different nature and quality from judicial independence. While police and prosecutors must be objective, they are ultimately part of and answerable to the executive branch of government. Whereas, judges are not subjected to any means and their independence safeguards their impartiality.

8. Conceptualizing judicial power and independence

By empowering judicial institutions, other policy makers limit their own authority. The creation of judicial review gives judges not only the power to interpret the laws adopted by the other branches of government, but the power to veto those acts altogether. Judicial power of this sort allows judges to impinge upon the power of other political institutions. Related to judicial power is the degree to which judges are independent. A tradition of judicial independence encourages policy makers to acquiesce when judges overturn their decisions. Since judges lack the power to fund or enforce their own decisions, judicial power is highly contingent on the acceptance of other policy makers. The degree to which constitutional designers have chosen to



empower judges and to ensure judicial independence from political pressure is the primary concern of this paper.

Judicial independence is defined by (Larkins, 1996) as “related to the notion of conflict resolution by a ‘neutral third;’ in other words by someone who can be trusted to settle controversies after considering only the facts and their relation to relevant laws.” In turn the notion of judicial independence is made up of two aspects: *impartiality and political insularity*. According to Fiss (1993) impartiality is equivalent to “party detachment,” or the notion that a dispute should be decided by a judge who has no relation to the parties involved and no interest in the outcome of the case. The second aspect of judicial independence is “political insularity” or the notion that judges’ decisions should not be influenced by actors outside the judiciary. The two concerns are related in that judges that maintain a reputation for detachment may encourage other policy makers to grant their courts protection from outside interference.

Judicial independence is promoted by measures that protect judges from political pressure. Judges are almost always less politically accountable to the public than other policy makers. With a few notable exceptions, judges tend to be appointed rather than elected, and there are often significant checks and balances involved in their appointment. Many are guaranteed a specific tenure and a non-reducible salary. To obtain some experience with democracy, some country such as the Central Asian states of Kazakhstan, Kirghizia, Turkmenistan, Tadzhikistan and Uzbekistan, all of which have had elections which have been essentially rigged or where competition was extremely limited. Also excluded was Bosnia-Herzegovina, where the political process was interrupted during this period by a brutal civil war. For example, Gibson (1989, 1991) finds that in the U.S., compliance with court decisions is most likely when the courts are viewed as legitimate policy makers. This might explain the compliance of American presidents such as Gibson et al. (1998) note that “not even the most powerful courts in the world have the power of the ‘purse’ or ‘sword.’”

By denying legislators and executives the authority to remove judges or reduce their salaries at will, constitutions give judges breathing room. In theory at least, this allows judges to follow the dictates of legal principle rather than political expediency. In general, the fewer such safeguards, the greater the risk to judicial power. Judicial independence declines to the extent that other policy makers have recourse to court-curbing techniques. Policy makers may employ a variety of means for keeping judges in check. Judges may be censured or impeached. Their decisions may be overridden through statutory or constitutional change. Their salaries and the location of their



posts may be under the mercy of other branches. Antagonistic policy makers may “systematically withdraw from the legally defined competence of the judiciary all matters of political interest for them (Shapiro, 1981). One way to measure judicial power, then, is to assess the range of court curbing techniques that are granted to other policy makers. By comparing the range of protections that post-Communist policy makers chose with the kind of court-curbing authority they retained, we have an indicator of their tolerance for judicial power. It should be noted, however, that there are potential difficulties in measuring judicial independence when considering the formal rules included in the constitution. Criticizes what he refers to as the “positivist quantitative” approach to measuring judicial independence, whose advocates have “failed to fully and/or reliably gauge judicial independence. This is because the component concepts of judicial independence do not automatically lend themselves to rigid scientific analysis” (Larkins, 1996). In particular he notes that previous attempts to measure judicial independence via the examination of “formal” rules have led to the miss-assessment of the degree of actual judicial independence. This suggests that to measure actual judicial power by analyzing only formal rules appearing in the constitution would be highly questionable. Other studies (Clark, 1975) had examined the impact of judicial power on other political variables, or have examined the behavior of the courts themselves (Tate and Haynie, 1993).

Our dependent variable is the power and other policy makers choose to give the judiciary. To this end, the analysis of formal rules governing the power of the judiciary does matter. It might be argued that, especially in periods of transition, informal powers not specifically codified in constitutions may be more important than formal powers.

Judges in the United States are unusual in that they are often elected by the public or subject to retention elections after an appointed probationary period. This increases the opportunity for political influence into their decision making. The president appoints federal judges for life, given good behavior, with the consent of the Senate. Other regimes provide greater insulation from politics. For example, in Namibia, “in order to ensure that the judges would not be the handmaidens of the government. In fact, formal rules have been shown to matter. For example, both Hellman (1997) and Frye (1997) have concluded that formal presidential powers were a significant predictor of progress in economic reform in the countries of the former Soviet Union and Eastern Europe. Further, as Frye (1997) notes, there are often intense struggles over the formal rules written into the constitution so that “if formal rules do not matter then why did political actors expend vast resources to alter them in many cases?”



Finally formal rules serve to constrain the actions of political actors. Even the most authoritarian regime seeks to maintain the semblance of legality; hence formal rules regarding the judiciary's independence and power reveal the extent to which political actors in post-communist politics are willing to submit to judicial supervision of their activities.

9. The crucial importance of judicial independence for economic growth and Development

Judicial independence (JI) implies that judges would expect their decisions to be implemented regardless of whether they are in the (short-term) interest of other government branches upon which implementation depends. It would further imply that judges apart from their decisions not being implemented do not have to anticipate negative consequences as the result of their decisions, such as (a) being expelled, (b) being paid less, or (c) being made less influential.

There are three archetypical interaction situations in which JI is important as reported in the following:

1- Cases where the conflict is between citizens: If contracting parties voluntarily entered into a contract and one of the parties believes that the other side has not honored the contract, impartial dispute resolution is important. As long as both sides expect the judiciary to be impartial, they can save on transaction costs while negotiating the contract. On average, lower transaction costs will lead to more welfare-enhancing transactions taking place.

2- Cases where the conflict is between government and the citizens: Citizens are in need of an organization that can adjudicate who is right, i.e., who has acted according to the law. The judiciary will not only have to ascertain the constitutionality of newly passed legislation, but will also have to check whether the representatives of the state have followed the procedural devices that are to safeguard the rule of law. If the judiciary is not independent from executive and legislature, citizens will not trust in the relevance of the rule of law.

3- Cases where the conflict is between various government branches: In the absence of an impartial arbiter, conflicts between government branches are most likely to develop into power games, which an independent judiciary can keep within the rules laid out in the constitution.

Among the many functions of government, the reduction of uncertainty is of paramount importance. However, the law will only reduce uncertainty if the citizens can expect the letter of the law to be followed by government representatives. An



independent judiciary could thus also be interpreted as a device to turn promises e.g., to respect property rights and abstain from expropriation into credible commitments. If it functions like this, citizens will develop a longer time horizon, which will lead to more investment in physical capital and also to a higher degree of specialization, i.e., to a different structure of human capital. All these arguments imply that JI is expected to be conducive to economic growth.

10. Cultural Expectations

An important factor shapes judicial independence in different countries which is the cultural expectation that judges ought to behave independently. To be a judge in one country is to decide cases according to the law and the facts/cultural issues despite the pressure of political sponsors and even popular opinion.

11. Theory of Separation of Judiciary from the Executive in Islam

There are two schools of thoughts regarding separation of judiciary from the executive:

- 1) A group of jurists say that judiciary is not a separate and an independent organ, but it is a branch of executive and it has derived its power from the Islamic laws.
- 2.) The second School of thought where of the opinion that judiciary is a separate organ and not a branch of executive is supported.

12. Conclusion and recommendation

The judiciary is an open debate to improve the administration of justice. Over the past years, all levels of court have engaged in extensive discussions with government officials in order to achieve and improve the administration of justice. In being open to discussion, however, the judiciary will remain steadfast in protecting the essential elements of judicial independence, as the precursor and guardian of judicial impartiality. From one stand point, there should be freedom to criticize judges and judges themselves must have the right to speak out freely and without being disciplined. They have an understandable reticence about entering the public arena to pronounce on political issues.

References

Clark, D.S.(1975). Judicial protection of the constitution in Latin America. Hastings Constitutional Law Quarterly 2, 405–442.



Fiss, O.(1993). The limits of judicial independence. University of Miami Inter-American Law Review. 25, 58–76.

Frye, T.(1997). A politics of institutional choice: post-communist presidencies. Comparative Political Studies 30, 523–552.

Gibson, James L. 1989. “Understandings of Justice: Institutional Legitimacy, Procedural Justice, and Political Tolerance.” *Law & Society Review* 23 (3): 469-496.

Gibson, James L. 1991. “Institutional Legitimacy, Procedural Justice, and Compliance with Supreme Court Decisions: A Question of Causality.” *Law & Society Review* 25(3):631-636.

Gibson, James L., Gregory A. Caldeira, and Vanessa Baird. 1998. “On the Legitimacy of National High Courts.” *American Political Science Review* 92(2):343-358.

Hellman, J.(1997). Constitutions and economic reform in the post-communist transitions. In: Sachs, J.D.,

Larkins, C.M.(1996). Judicial independence and democratization: a theoretical and conceptual analysis. *American Journal of Comparative Law* 44, 605–626.

Maria Popova (2012). *Politicized Justice in Emerging Democracies: A Study of Courts in Russia and Ukraine* (Cambridge University Press 2012) p 5, and studies

Sabah Farag Saad Madi, Munazza Saeed and Ruzman Md. Noor (2015). Independence of Judiciary in Islamic Perspective: An Analysis *International Journal of Business and Social Science* Vol. 6, No. 6.

Shapiro, M.(1981). Courts: A Comparative and Political Analysis. University of Chicago Press, Chicago.

Tamanaha, B.Z. (2004). On the rule of law: History, politics, theory. Cambridge University Press.



Tate, C.N. & Haynie, S.L.(1993). Authoritarianism and the functions of courts: a time series analysis of the Philippine supreme court, 1961–1987. *Law and Society Review* 27, 707–738.

Waldron, J. (2008). The concept and the rule of law. *Georgia Law Review* 43: 1.

Www. https://en.wikipedia.org/wiki/Judicial_independence.

Www.unodc.org/pdf/crime/corruption/judicial_group/Bangalore_principles.pdf.

The Bangalore Principles of Judicial Conduct 2002, as revised at the Round Table Meeting of Chief Justices held at the Peace Palace, The Hague, 25–26 November 2002).

