

Media Reports- Swaziland Observer 21 August 2008

**Grenades wanted for 'opening' junior cop's door**  
*Stories by Timothy Simelane*

A senior police officer had to call for grenades to demolish the door of a police house in which Secretary General of the Police Union Khanyakwezwe Mhlanga stays, in Pigg's Peak.

Mhlanga said trouble started at 3 am yesterday when the senior officer knocked violently at his door and demanded that he should open it. "Since he is my superior, whom I know to be naturally violent, I declined to open the door in fear of what could have happened.

"He tried to break open but could not because the door was tightly closed. Despite his numerous calls that I should open the door, I refused."

Mhlanga said the officer, who was in the company of others called for grenades to demolish the door.

"Some officers then arrived and drove the violent officer away. It was then that I managed to sneak out of the house and ran for my life."

Mhlanga said the senior officer had also parked a vehicle too close to his car to block him from escaping.

"I decided to leave my car and hitchhiked to Mbabane where we were to hold the demonstration."

Mhlanga then reported the incident to Pigg's Peak Magistrate Leo Dlamini.

"The magistrate also called some officers who arrived at the spot but found that the tension had already been defused.

"The Magistrate said I should write the complaint down, and he would then call the senior officer, with a view to make a peace-binding order between the two of us," he said.

Police union member in car chase

There was screeching of tyres and high speed race when a member of the junior police officers was chased by senior officers in the Capital city yesterday.

Sipho Tsabedze, the Vice President of the Police Union wanted to join his colleagues who were to assemble and demonstrate against unfair treatment.

Tsabedze was one of many officers who were under constant surveillance by the senior officers.

Secretary General of the Police Union, Khanyakwezwe Mhlanga said such treatment was subjected to many other police union members who intended to join the march to the Prime Minister's Office yesterday.

"The senior officers could not allow the union members to stand in groups around town, until some resolved to go away.

However, four of us stood our ground and assembled next to the Fire and Emergency Services at about 9 am. We then started our march and passed next to the police headquarters and the correctional services before proceeding to Cabinet."

Curfew instills fear in junior cops

A dawn curfew in most police station worked to keep all junior officers away from yesterday's demonstration.

Working shifts were suddenly changed and senior officers kept an eye on junior officers.

As a result, only four officers managed to show up at the demonstration held at the Capital - a sham to the numbers of officers that had initially been invited to attend.

The police union had also invited the army to be part of the struggle for, among many issues, a back-pay on salary increment.

Mhlanga said officers were intimidated by the sudden change in their work schedule.

"Those who were expected to be off-duty were suddenly called to be on duty," he said.

He said he had also narrowly escaped the change in workschedule, as some officers had kept close guard on him since 3 am.

**The long walk to Cabinet offices**

JUNIOR police officers delivered a petition of seven demands to the Prime Minister's office yesterday amidst resistance from their superiors.

One of the demands called for back pay in salaries of all junior police officers effective April 2004. Another demand calls for the unconditional reinstatement of Correctional Services President Bongani Gumede who was fired, supposedly for absenting himself from duty.

However, the junior officers and correctional services staff failed to garner crowds as only four of them participated in the march.

The four were police union President Isaac Lukhele, Secretary General Khanyakwezwe Mhlanga, Executive Member Dumsile Khumalo and a representative of the Correctional Services Union identified as Hlatshwako.

The first attempt to deliver the petition failed because the union members refused to hand it over to Patten Nxumalo, the head of security at Cabinet.

"The junior officers said the petition carried many issues about police officers, hence it would be wrong to give same to another police officer.

"We would be satisfied if any other officer within Cabinet would come to take the petition," said Mhlanga.

A dejected Nxumalo returned to the Cabinet offices leaving the junior officers at the gates.

The junior officers waited for over an hour at the Cabinet gate, after which a contingent of senior officers drove them away.

Amongst the group of officers who chased the demonstrators away were a few other junior officers.

However, the banned union members crafted a plan to send only two representatives to the Cabinet office to deliver the petition at about 2 pm.

The petition was eventually received by a receptionist at Cabinet Officers, who stamped and registered it.

Mhlanga said the union was disappointed with the manner the officers were treated at Cabinet because all they wanted was to deliver the petition.

**The seven demands and the ultimatum**

JUNIOR officers of the Royal Swaziland Police and His Majesty's Correctional Services have given the Prime Minister Themba Dlamini an ultimatum to address their seven demands before the end of his term in office.

If the Premier fails to do this, the officers will revive a go-slow strike action that was suspended over the weekend.

"We sincerely feel that if these issues would not be addressed in the stipulated time, officers in these security services would suffer irreparable jeopardy."

1. Back-pay for Circular 3 of 2008.

This year, all junior officers were awarded 15 percent increment on salary increment owed since 2004 - when senior officers received increment on their salaries. The 15 percent increment did not carry any back-pay. The junior officers want the increment to be backdated to 2004.

2. The junior officers want the Commissioner of Police Edgar Hillary to keep an arm's length distance on the judiciary.

"We are disturbed by the Commissioner's acts of Monday 11 and Tuesday 12 August 2008. The Commissioner addressed officers at the Mbabane City Post and told them that he would dismiss Khanyakwezwe Mhlanga from the police service together with all officers who are pushing for the recognition and labour rights of police officers. He further informed them that he would talk to "a High Court Judge to speedily conclude the case on his disciplinary powers. Indeed, he was with the judge on August 12 in his offices. This was subsequently followed by an announcement that the cited case would be heard on August 20 2008. These acts and utterances by our Commissioner will undermine the trust we have on the country's judiciary."

3.They demand that Government Spokesperson Percy Simelane should withdraw his statements made through the Times of Swaziland on August 8, 2008. If this is not done, it shall be construed as government's position over junior officers' deplorable living conditions and poor salaries.

4.They want the PM to recognise democratically formulated bargaining councils for the RSP and the Correctional Services.

5.The juniors are calling for the legalisation of police and correctional service unions, saying such is a their constitutional right to a fair and balanced disciplinary procedure.

6. They want His Majesty's Correctional Services to reinstate former member of the Correctional Services union Bongani Gumede who was sacked for allegedly absconding work to attend a court hearing.

7. They want the PM to speedily solve the accommodation crisis in the police force, which has seen three to four families sharing one house.

**'Edgar Hillary cannot discipline junior officers'**  
*Stories by Sabelo Mamba*

LAWYER Thulani Maseko yesterday told a High Court full bench that Police Commissioner Edgar Hillary has no power to discipline police officers, who are members of the Swaziland Police Union.

Maseko said while the commissioner had the overall responsibility for the proper administration and discipline within the police force, the power to discipline is not vested in him, but to an appropriate sector service commission.

He was making submissions during a case involving five junior police officers, who are seeking an order restraining the police commissioner from instituting disciplinary proceedings against them.

The officers were charged with participating in union activities.

They are Khanyakwezwe Mhlanga, Khanyakwezwe Tsabedze, Thandukwazi Zwane, Bhekubuhle Dlamini and Isaiah Tsela.

Cited as respondents are Police Commissioner Hillary, Lubombo Regional Commander Polycarp Ngubane, Superintendent Sikhulu Shongwe, Senior Superintendent ED Matfunjwa and the Civil Service Commission.

The case was before a full bench comprising Justices Qinisile Mabuza, Mbutfo Mamba and Sanji Monageng.

Maseko contended that the junior police officers' case was that the advent of the constitution brought with it a new regime in relation to disciplinary measures within the Police Service.

"Indeed, section 189 (5) cannot be read as though it stands alone, but it should be read in the context of the rest of the section 189, particularly subsection (3) thereof, which gives the first respondent (commissioner) the overall powers of administration and discipline over the force," he submitted.

He said the junior officers' bone of contention was the manner in which the powers of discipline should be exercised.

Maseko argued that the police commissioner may only exercise discipline over members of the force only in such manner as prescribed by the constitution.

"This invites the significance and relevance of subsection (5) as alleged," he explained.

He said the police service no longer owed its existence merely to the Police Act, as an ordinary statute, but to the constitution.

Judgement has been reserved.

**AG says Commissioner can discipline those below rank of Inspector**  
GOVERNMENT attorney Sifiso Khumalo said Police Commissioner Edgar Hillary has the power to discipline police officers below the rank of Inspector.

Khumalo told the High Court full bench that the police officers (applicants) were below the rank of Inspector and, therefore, liable to discipline by the Police Commissioner under Section 12 (2) of the Police Act 29/1957.

"It is submitted, therefore, by the respondent (government) that the Police Commissioner has power to discipline police officers below the rank of Inspector," he contended.

Khumalo explained that from Inspector and above but below the Deputy Police Commissioner the power to discipline lies with the Civil Service Commission.

He said the power to discipline the Police Commissioner and his deputy was vested in the King.

"The respondent submits that Section 189 (3), (4) and (5) of the constitution is clear and unambiguous and does not take any of the powers of discipline that were previously vested in the Police Commissioner," he said.

Khumalo submitted that a sector service commission had not yet been established and, therefore, the power of discipline lies with the Civil Service Commission "courtesy to section 189 (5) of the constitution."

He said the Civil Service Commission operates under the Civil Service Order 1973.

Judgement has been reserved.