

# Soldiers dismissals ruled 'out of order'

Attempts by the Defence Force to fire about 600 soldiers for allegedly participating in an illegal march on the Union Buildings have suffered another setback in the courts, according to the South African National Defence Force Union (Sandu).

Sandu claims that the price tag for the suspension on full pay of the soldiers who staged a much-publicised march three years ago now amounts to more than R320m.

In August 2009, the soldiers were suspended and given notice that they were to be dismissed, leading to years of court battles which are yet to be resolved. The courts have found several times that the South African National Defence Force (SANDF) had acted unprocedurally, and ruled in favour of Sandu.

On Monday (10 December) Sandu, in a statement released by its secretary Pikkie Greeff, said the latest attempt by the chief of the SANDF, Gen Solly Shokwe, to have the soldiers fired had been ruled out of order last Friday (7 December) by the North Gauteng High Court.

"The court order followed advertisements published in the *Sowetan* and *Daily Sun* newspapers on 14 and 15 November respectively, as well as registered letters being sent to the affected members, in which the 600 SANDF members were accused of disobeying a command and participating in an (alleged) illegal protest march, thus posing a threat to national security.

The same advertisements and letters gave members 10 days to convince the Chief of the SANDF why he should not be dismissed.

Sandu's statement also said: "The North Gauteng High Court on Friday (7 December) found the newspaper advertisements were unlawful and unconstitutional as were the subsequent notices sent to members. The court also ordered the Chief of the SANDF to pay the costs of the court action."

Defence ministry spokesman Sipiwe Dlamini said on Monday (10 December): "We are studying the judgment and how we shall proceed."

Sandu said: "In the meantime close to 900 soldiers are facing their fourth Christmas on special leave with absolutely no charges or investigations against them, while being on full pay with benefits for the past 40 months at an astonishing price tag of R320m. Taxpayers have funded this. Surely the madness must come to an end."

The union said it was "time for the Chief of the SANDF to admit that this entire matter has become a gigantic albatross

around his neck making him a laughing stock and an embarrassment to the military.

"To add to Shokwe's woes the Department of Defence will also now, due to the defamatory and ill-advised newspaper adverts, be facing a gigantic civil lawsuit of R90m as the 600 affected members lodge damages claims of R150,000 per member.

"A notice in this regard has already been forwarded to the Department of Defence. This comes on the heels of yet another R97m lawsuit relating to similar false allegations against the same members some three years ago which is already awaiting trial," the statement said.

The union has called on Shokwe to resign.

Source: *Business Day* via I-Net Bridge

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