



26 October 2016

Corruption Watch to lay criminal charges against SARS commissioner

Corruption Watch issued a letter yesterday to the South African Revenue Services (SARS) commissioner, Tom Moyane, concerning his failure to act decisively on the findings of a report from the Financial Intelligence Centre (FIC), detailing fraud and corruption by senior SARS employees, Jonas Makwakwa and Kelly-Ann Elskie.

The anti-corruption organisation is disturbed by the manner in which Moyane has handled the case and would like to put on record that contrary to his assertion that the matter was an internal one and did not require reporting to the Directorate of Priority Crime Investigation (DPCI), his failure to take appropriate action is, in fact, unlawful. Moyane is obliged to report both Makwakwa and Elskie to the DPCI, failure in which may result in imprisonment or a fine.

In consequence, Corruption Watch will be laying criminal charges against Moyane in accordance with the Prevention and Combating of Corrupt Activities Act. As an official who holds a position of authority, Moyane is obliged to report knowledge or even mere suspicion of corrupt transactions over R100 000 to the DPCI.

David Lewis, executive director of Corruption Watch, commented: "We treat this in the most serious light. If the commissioner of our revenue collecting agency cannot be entrusted to act against corruption, then who can? We are determined that the Hawks should act against him. Should they fail to do so we will examine our legal options in relation to the responsible law enforcement agencies."

The SARS commissioner also contravened the Financial Intelligence Centre Act when he notified Makwakwa and Elskie of the FIC report. The Act prohibits the disclosure of suspicious and unusual transactions to certain persons, particularly those implicated in the report. We will also lay criminal charges in respect of this contravention.

Corruption Watch is deeply concerned about such abuse of public money for personal gain and is committed to strengthening the criminal justice system, which includes efforts to address financial crime of this nature.

Corruption Watch has given Moyane the opportunity to respond to these issues by no later than 1 November 2016.

Download the letter:

<https://www.corruptionwatch.org.za/wp-content/uploads/2016/10/Letter-to-SARS-Commissioner-22.10.16.pdf>

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