



12 December 2016

Corruption Watch lays criminal charges against SARS commissioner

Corruption Watch has laid criminal charges against the South African Revenue Services (SARS) commissioner, Tom Moyane, in relation to the matter involving alleged fraud and corruption committed by two senior SARS employees, Jonas Makwakwa and Kelly-Ann Elskie. Charges were also laid against Makwakwa and Elskie directly, under case numbers 217 / 12 / 2016, 218 / 12 / 2016 and 222 / 12 / 2016.

In a [letter](#) addressed to Moyane on 25 October 2016, Corruption Watch expressed its concern over the way in which the commissioner had handled the matter, highlighting what it considered to be breaches of Section 34 of the Prevention and Combating of Corrupt Activities Act (Precca) as well as sections of the Financial Intelligence Centre Act (Fica). This relates to failures to report the matter to the Directorate of Priority Crime Investigations, commonly known as the Hawks, as well as breaches of Fica.

The commissioner responded in a [letter dated 27 October](#) that the Hawks had launched an investigation into racketeering and money laundering against the two employees. In addition, he stated that allegations of having breached Fica were untrue, and that his actions were authorised by the legislation.

After careful review of this letter, Corruption Watch wrote to both the FIC director, Murray Michel, and to the head of the Hawks, Lieutenant-General Berning Ntlembeza, to seek confirmation and clarity on aspects of Moyane's response. While the FIC has [responded](#), the Hawks have not.

Corruption Watch is not satisfied with the contradictory statements made by Moyane and by the Hawks' spokesperson in the media or by Moyane's explanation in respect of breaches of Fica. Consequently, in the absence of any evidence to confirm averments made by Moyane, the organisation has no option but to proceed with lodging criminal complaints against the commissioner for failing to report these matters to the Hawks in terms of Section 34 of Precca as well as for breaching sections of Fica.

"Arguably the impunity enjoyed by politically well-connected people is the most serious impediment to effectively tackling corruption," said David Lewis, executive director of Corruption Watch. "We are determined that these charges, on the face of it clear violations of our anti-corruption statutes, be investigated and prosecuted. If the Hawks and the National Prosecuting Authority fail in the performance of their duties, we will do in all our power to prosecute these ourselves."

The lodging of these complaints are in the public interest, given the gravity of the offences which we suspect were committed by Moyane, Makwakwa and Elskie. Corruption Watch hopes that the relevant law enforcement agencies take all necessary steps to ensure that the allegations are investigated and where necessary, prosecuted.

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