

Corruption Watch (RF) NPC
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30 October 2017

Mr Tom Moyane
Commissioner
South African Revenue Services
Per email: Tmoyane@sars.gov.za

And to: Mr Malusi Gigaba,
Minister of Finance

C/o. Ms Vuyiswa Monye
Personal Assistant to the Minister of Finance
Per email: Vuyiswa.Monye@treasury.gov.za

Dear Commissioner Moyane

Corruption Watch Enquiry: Mr Makwakwa and Ms Elskie

1. We refer to the above matter.
2. Corruption Watch (CW) is a civil society organisation that opened its doors to the public in January 2012. We are registered as a non-profit company in terms of the Companies Act.
3. Corruption Watch seeks to expose corruption and the abuse of public funds. We aim to expose those who engage in corrupt activities, nepotism and abuse of public funds in both the public and private sector.
4. As part of our mandate, we are committed to strengthening the criminal justice system, including efforts to address financial crime; to the refinement of our planning and procurement systems; and to supporting and strengthening the ability of private and public bodies to better detect and address corruption in their spheres of operation.

5. We confirm that we wrote to you on 25 October 2016 in order to obtain clarity about your conduct in relation to the Financial Intelligence Centre (“FIC”) report dated 17 May 2016, in which two SARS employees, Mr Makwakwa and Ms Elskie were implicated. For ease of reference our correspondence is attached marked “**A**”.
6. We confirm that you responded to us on 27 October 2016 in order to explain your conduct in relation to the handling of the FIC report and to indicate what steps were being taken in relation to the two employees. We attach this correspondence as annexure “**B**”.
7. In your response, you stated that Makwakwa was suspended on 15 September 2016 and Elskie on 10 October 2016. You indicated further that Hogan Lovells (South Africa) was appointed to investigate the allegations against Makwakwa and Elskie and that disciplinary proceedings would be initiated against the two employees once the investigation was complete.
8. To date, we have not received further information about the investigation or the disciplinary proceedings. We have however, been informed that Makwakwa has returned to work and that Elskie is due to return to work today.
9. In the circumstances, please respond to the following:
 - 9.1. Has the suspension against Makwakwa and Elskie been lifted and have they returned to work as employees of SARS?
 - 9.2. If so, has the investigation by Hogan Lovells and internal disciplinary proceedings against the two employees been completed and what was the outcome of both the investigation and internal disciplinary proceedings?
10. We confirm that we will also be following up with the Hawks and the National Prosecuting Authority on the status of the criminal investigation and prosecution of matters relating to Makwakwa, Elskie and yourself.
11. Finally, please note that in the interests of transparency, we may publish this correspondence and any response thereto.

Yours faithfully,

David Lewis
Executive Director

Corruption Watch

[Unsigned due to electronic transmission]