

Corruption Watch (RF) NPC
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30 October 2017

Lieutenant-General Yolisa Matakata
 National Head (Acting)
 Directorate for Priority Crime Investigation ("Hawks")
Per email: SonandziT@saps.gov.za

c/o Brigadier Hangwani Mulaudzi
 Spokesperson
 Directorate for Priority Crime Investigation
Per email: Mulaudzih@saps.gov.za

And to: Brigadier SM Lewele
 Gauteng Provincial Head
 Directorate for Priority Crime Investigation
Per email: CorruptionReportsGP@saps.gov.za

Dear Lieutenant-General Matakata

Corruption Watch Enquiry: Investigation into SARS employees

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.

Background

5. On Monday, 31 October 2016, we wrote to Lt-Gen Ntlemeza to find out whether or not the Hawks were investigating crimes alleged to have been committed by Mr Tom Moyane, Mr Jonas Makwakwa and Ms Kelly-Ann Elskie, all in respect of contraventions of the Prevention and Combatting of Corrupt Activities Act 12 of 2004 ("PRECCA"), the Financial Intelligence Centre Act 38 of 2001 ("FICA") and the Prevention of Organised Crimes Act 121 of 1998 ("POCA"). For ease of reference, a copy of our letter is attached marked "L1".
6. On 2 November 2016, Brigadier Muluadzi emailed me to confirm that our correspondence had been brought to your attention and that we would receive a response shortly. No response was forthcoming.
7. In the absence of a response from your office and in light of contradictory statements previously made by Brigadier Muluadzi and Mr Moyane on whether or not the Hawks were investigating these matters, we were left with no option but to proceed with lodging criminal complaints against the three employees.
8. We lodged these complaints at the Brooklyn Police Station on Thursday, 8 December 2016. We attach the criminal complaints against Moyane, Makwakwa and Elskie as annexures "L2", "L3" and "L4" respectively and confirm that the respective criminal complaints were allocated case numbers 217/12/2016, 218/12/2016, and 222/12/2016.
9. We confirm further that on Tuesday, 3 January 2017 we received a text message indicating that Captain RD Mosuma would be investigating all three cases. We received no further communication about the actual progress of the investigation.
10. We wrote to Lt-Gen Ntlemeza on 30 January 2017 and followed up via email but no response has been forthcoming. For ease of reference a copy of our correspondence is attached marked "L5".

Corruption Watch Request

11. We confirm that as the complainant in these matters, we are entitled to information on the status of the investigations into these matters. It is almost a year since we lodged criminal complaints against the three SARS employees and we have received no information on the progress of the investigation.
12. We are very concerned about the manner in which these matters are being handled. In this regard, we have been informed that Makwakwa returned to work on 27 October and that Elskie was due to return to work today. We have written to SARS to establish the veracity of the information provided to us.
13. We confirm that the Hawks' delay in finalising investigations into Makwakwa, Elskie and Moyane has resulted in the alleged criminals either continuing to or now occupying significant positions of trust and fiduciary responsibility at SARS, posing a real risk to our revenue services.
14. We therefore require a response from your office on the status of the investigations into the allegations against Makwakwa, Elskie and Moyane as well as reasons for the delay in these investigations, as we are also concerned about interference in the investigations of these matters by senior Hawks officials.
15. Kindly provide us with a response by no later than **Monday, 6 November 2017** and please note that in the interests of transparency, we may publish this correspondence and any response thereto.

Yours faithfully,

Leanne Govindsamy
Head, Legal and Investigations
Corruption Watch
[Unsigned due to electronic transmission]

