



MEDIA STATEMENT / 31 AUGUST 2017

## **SARS bosses must stop acting as enforcers of state capture**

The Save South Africa campaign is deeply disturbed by ongoing attempts to resuscitate trumped-up charges against former Finance Minister Pravin Gordhan. The latest example of this is the persecution of SARS whistleblower Vlok Symington, who is clearly being punished for refusing to manipulate evidence around Gordhan's relationship with the so-called SARS Rogue Unit.

The fact that Symington today had to apply to court for protection from the head of SARS shows how desperate the enforcers of the captured state are to try and find something against Gordhan – anything -- that will stick.

Symington should be commended for standing his ground and adopting an ethical and lawful approach to the handling of confidential documentation, and for refusing to participate in the manipulation of evidence. As a result, he is being persecuted by SARS commissioner Tom Moyane, who is increasingly emerging as a tool of state capture rather than the custodian of revenue collection.

The fact that a whistleblower like Symington has had to apply to the High Court for protection from Moyane speaks volumes about the politicization of SARS by its captured leaders and its increasing role in protecting the architects of state capture. It also reinforces the need to ensure that South Africa implements its legal framework in which whistleblowers are protected, rather than being pursued, persecuted and punished.

**South Africa should be deeply concerned at what is being exposed about SARS, and the role being played in enforcing state capture by leaders of the revenue services.**

Under normal circumstances, we would expect the President of the Republic – to whom Moyane reports – to provide leadership and insist that these attempts to manipulate evidence and interfere with judicial processes be stopped.

We would also expect an independent investigative agency such as the Hawks to accept, once and for all, that there is no case against Gordhan and his former colleagues at SARS.

But with a punitive and corrupt President like Jacob Zuma, this is obviously too much to expect – particularly as large parts of the criminal justice system, including the leadership of the National Prosecuting Authority and the Hawks, seem to exist primarily to protect the kingpins of state capture rather than pursuing them.

The continued drive to persecute Gordhan stands in stark contrast to the cover-ups into the tax affairs of the Gupta family, and the lack of action against Moyane's right-hand man, Jonas Makwakwa, after he was caught depositing millions of rands into ATM's.

What is happening at SARS is symptomatic of the general erosion of governance and the collapse of the rule of law, and it must be stopped. And the only way to put an end to this abuse of power and undermining of the criminal justice system is to put an end to Zuma's term as President, to unravel the state capture enterprise, and to restore the integrity of the leadership of SARS and other state institutions.

**The Save South Africa campaign demands an end to the abuse of power at SARS and other captured institutions, and the replacement of Moyane and other dubious characters with credible leaders who are able to put the people first -- rather than our captured President and his cronies.**

#### **Note to editors**

- Vlok Symington is seeking a declaratory order to interdict SARS and Moyane from instituting disciplinary proceedings against him.
- Symington argues that he faces disciplinary charges and possible dismissal SARS for having made "protected disclosures" in terms of the Protected Disclosures Act to law enforcement agencies like the South African Police Service, the Independent Investigative Directorate (IPI) against DPCI/Hawks officials, including Brigadier Nyameke Xaba, and for instituting grievance procedures against a bodyguard of Moyane, Mr Tabo Titi.
- These complaints relate to events at the SARS head office on 18 October 2016, where Symington was allegedly held hostage in a boardroom by Hawks investigators and Titi, and where he was allegedly assaulted. The Hawks and Titi allegedly demanded certain documents from Symington, which were eventually forcibly removed.