



EFF WELCOMES PUBLIC PROTECTOR'S REPORT ON THE SARS ROGUE UNIT AND PRAVIN GORDHAN

Friday, 5 July, 2019

The EFF welcomes the report of the Public Protector on the complaint laid by the EFF against SARS and Pravin Gordhan, relating the establishment and operation of an illegal intelligence unit (a.k.a Rogue Unit) within SARS. We further welcome the remedial action directed to the President of the Republic, Parliament, and the SAPS.

The Public Protector has confirmed our long held view that Pravin Gordhan illegally engaged in espionage through a rogue unit within SARS. This unit spied on prominent people in South Africa, including the NPA. We believe that this illegally gathered information would then be used to pursue and settle political scores, through SARS itself, and other means.

The Public Protector found, amongst other things, that;

- "The allegation that Mr Gordhan during his tenure as the Commissioner of SARS established an intelligence unit in violation of the South African Intelligence prescripts is substantiated.
- In terms of the national legislation, SARS is not mentioned as one of the National Intelligence Structures established in terms of the National Strategic Intelligence Act (NSI Act) and can only work with other law enforcement agencies within the principles of co-operative government in achieving its objectives.
- SARS, under the guidance and management of Mr Ivan Pillay as General Manager: Enforcement and Risk Division, established an intelligence unit without the

involvement of National Intelligence Agency (NIA) now known as the State Security Agency (SSA).”

The country indeed needs an efficient revenue collector with teeth that bite, however, for Gordhan to constitute a rogue unit outside the guidance of legally designated and established institutions, is dangerous. Above all, it means this unit and its operations could not have been monitored and held accountable. All other intelligence institutions with the State Security, Crime and Military Intelligence, are held accountable through a parliament Joint Portfolio Committee on Intelligence. Nothing, whatsoever, must escape the accountable eye of a people’s parliament.

This is because our democracy requires that any institution acting on behalf of the people, using taxpayer’s money, must be held accountable, precisely to guard against abuse of power. Pravin Gordhan, together with all who participated in the illegal unit, abused power and must be subjected to the full might of the law.

We also express concern on the complicity of the then Minister of Finance, Trevor Manuel, under whom the unit was established. Manuel must be held accountable, as it is improbable that he did not know of the existence of such a unit.

The Public Protector equally found that:

“The allegation that SARS failed to follow proper procurement processes in the procurement of intelligence equipment, which the intelligence unit utilised for gathering intelligence, is substantiated.”

In fact, she adds that it is impossible for an intelligence gathering unit to be established, and function for many years without equipment. Beyond this, the PP indicates that she possesses evidence to this effect.

More dangerous was the fact that this unit spied on, amongst others, the office of the National Prosecuting Authority. The PP states that she is in possession of “evidence [indicating] that during June 2007 until November 2007, Mr Pillay and Mr Janse van Rensburg irregularly procured Mr Helgard Lombard and Mr De Waal and/or

authorised Mr Lombard and Mr De Waal to intercept communication within the offices of the DSO and those of the NPA without an interception direction issued by a designated judge in terms of the Regulation of Interception of Communication and Provision of Communication.”

She added that, “there is further evidence ... of the unauthorised interception of private communications of prominent members of society as well as surveillance by the intelligence unit of SARS for unknown reasons and/or purposes.”

We have reason to believe that these individuals included our President and CIC, Julius Malema. This is how information against political opponents of Pravin Gordhan would gathered to achieve political ends or settle political scores.

These are serious findings that point to the indisputable fact that Pravin Gordhan has shown contempt to our constitution. His rise to power is based on mafia tactics, intimidation, and criminality. He must be held accountable; in fact operating an illegal Intelligence unit, within the state, is tantamount to treason, which is the highest order of betrayal. Gordhan, together with his gang, violated constitutional rights of individuals by invading their privacy. They essentially arrogated themselves the power they do not and should have never had.

We call on Ramaphosa to fire Gordhan from cabinet with immediate effect. In addition, we call on the SAPS Commissioner to promptly implement the remedial action that says, “The Commissioner of the South African Police Service to:

(i) Within 60 days, investigate the criminal conduct of Messrs Gordhan, Pillay, and officials involved in the SARS intelligence unit, for violation of section 209 of the Constitution, and section 3 of the National Strategic Intelligence Act, including Mr Magashula’s conduct of lying under oath”

Failure to do so will prompt the EFF to approach Courts to enforce this binding remedial action.

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