**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS IVAN PILLAY DENYING ILLEGAL ACTIVITIES**

**Parliament, Friday, 5 August 2022 –** The Committee for Section 194 Enquiry into the Public Protector’s (PP), Adv Busisiwe Mkhwebane’s fitness to hold office heard today from Mr Ivan Pillay a former employee of the South African Revenue Services (SARS) and who was accused of being involved in the so-called illegal SARS unit, an intelligence unit that investigated several high-profile people.

The committee heard that a complaint that SARS has no power to investigate was laid at the Office of the PP. Mr Pillay told the committee that he previously served as Deputy Commissioner and also as an Acting Commissioner of SARS.

He told the committee that the Office of the PP also investigated whether he had the qualifications he claimed to have. Furthermore, Mr Pillay told the committee that the PP had claimed that he did not have a matric certificate when he was employed at SARS. He told the committee that he disputed that claim.

Mr Pillay also told the committee that Adv Mkhwebane investigated him on three matters and found him guilty of misconduct and maladministration. He said that in two of the three reports on the three investigations, the PP either ignored or dismissed the evidence he provided to her.

He told the committee that, on the latest report he was not even informed by the PP that he was implicated in the investigation in which she had an adverse finding against him. He said in the first report the PP found that he was part and a beneficiary of a fraudulent scheme to enrich himself when he took early retirement from SARS. He said the report was riddled with material errors and after it was reviewed, it was set aside.

In the second report, he said the PP found that he didn’t qualify to be appointed as Commissioner of SARS as he did not have even a matric certificate and the PP directed the police and National Prosecuting Authority (NPA) to investigate and prosecute him. He said the second report also had many reviewable errors of law and it was set aside by a full bench of the high court.

Mr Pillay said the PP’s investigation relating to SARS’s investigative unit, provided the PP with extensive evidence and a comprehensive explanation and relevant documentation under oath. The committee heard that, that was not taken into account when a finding was made.

Adv Dali Mpofu (SC), on behalf of the PP,  said Mr Pillay gave the order to “bug” the NPA. In response, Mr Pillay said the allegations are unfounded and that the NPA was not bugged, it was assisted with the equipment as per its request instead. The NPA according to Mr Pillay requested a listening equipment and that was provided by a private company. Mr Pillay said he does know of the so-called Roque unit in SARS. He said such a unit should be in the State Security Agency.

Adv Mpofu said it is unusual and extraordinary to have a SARS Commissioner with a matric certificate only as a qualification to be responsible for the country’s tax system.  Mr Pillay said he worked hard and joined SARS in a mid-ranking position.  He told the committee that he did not appoint himself at SARS he went through tough assessments instead, before he worked there for 15 years.

Adv Mpofu cross-examined Mr Pillay on the early retirement package that was paid to him at SARS and on his reappointment on the next day as well as on his qualification. Adv Mpofu accused Mr Pillay of being involved in illegal activities. Mr Pillay denied all those accusations. He further stated that at the time of his appointment at SARS, no qualification was required for the position of Commissioner or Deputy Commissions of SARS, he said that, that has changed now. Mr Pillay also denied a claim that his friendship with Mr Pravin Gordhan, who was a Commissioner of SARS enabled him to rise at SARS.

The committee Chairperson Mr Qubudie Dyantyi said the witness answered the questions several times and that the witness’ answers might not have been what Adv Mpofu wanted. Mr Dyantyi said the witness indicated at some point that he felt intimidated and that was not the aim of the committee that witnesses should feel intimidated.

The hearings will continue next week on Wednesday. The committee was established by the National Assembly (NA) on 16 March 2021 to conduct a constitutional inquiry into the Public Protector’s fitness to hold office. The enquiry is hybrid and can be followed live on Parliament’s media platforms. Committee documents can be found on its page on [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=bfbf7b0db6&e=da105e4f6a)

**ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE COMMITTEE FOR SECTION 194 ENQUIRY, MR QUBUDILE DYANTYI.**

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