**MEDIA STATEMENT**

**COMMITTEE FOR SECTION 194 HEARS FROM PP INVESTIGATOR THAT PP WAS “IMPARTIAL AND HONEST” IN SARS INVESTIGATION**

**Parliament, Monday, 27 February 2023 –** The Committee for Section 194 Enquiry into Public Protector (PP) Adv Busisiwe Mkhwebane’s fitness to hold office, today heard evidence from Ms Bianca Mvuyana, Senior Investigator at the Public Protector South Africa’s (PPSA’s) Free State Office.

Ms Mvuyana who was previously based at the PPSA’s headquarters was summoned to testify last week. At the start of her testimony last week, she indicated that she wished to make a statement before giving testimony to the committee. Her testimony had to be postponed by a week to accommodate her request.

In her statement she said that some of the evidence regarding the South African Revenue Service (SARS) Investigating Unit has been grossly misrepresented. She said she disagreed with some of the testimony given at the proceedings and the material findings of the High Court.

She stated that Adv Mkhwebane was not involved in the investigation and that it was managed by Mr Rodney Mataboge, Chief Investigator, who commenced with his testimony to the committee last week. According to her statement the investigation was broken into two parts, the first part was the consideration of the alleged violation of the Executive Ethics Code by Minister Pravin Gordhan during his tenure as Commissioner at SARS and the second part was the consideration of the alleged improper conduct of SARS and other ancillary questions identified in the report.

According to her statement, Ms Mvuyana said she is not aware of Adv Mkhwebane or Mr Mataboge taking any decision, which was not based on an honest opinion and supported by facts. She never got the impression of any undue influence by Adv Mkhwebane nor did she get the impression that Adv Mkhwebane was forcing the team towards a particular outcome.

She further stated that on two occasions the messenger of the PPSA attempted to serve a subpoena to the address obtained from an anonymous whistleblower for Mr Johann van Loggerenberg, accused of heading the SARS Investigating Unit, but was unsuccessful. According to her testimony she also searched for his details on Google in order to try and find an address for the subpoena to be served, but that yielded no success.

Regarding the equipment found by the PPSA in relation to the SARS Investigating Unit, the committee heard no emergency existed for the purchasing of the alleged spying equipment. Ms Mvuyana said the equipment was irregularly procured and according to a memorandum she saw, it cost SARS around R40 million. In respect of recruitment of personnel in the unit, she stated that no posts were advertised, staff were head-hunted and recruitment procedures were not followed.

She told the committee that clear evidence led them to an adverse finding on the procurement of the equipment.  “There was no other way to not come to this kind of conclusion.” She also told the committee she had not seen the Inspector-General of Intelligence report on SARS Investigating Unit as she did not have top secret security clearance.  She was, however, aware that Adv Mkhwebane who had such clearance, had access to the report.

Ms Mvuyana reiterated that the investigation and the report into the SARS Investigating Unit was conducted honestly and impartially irrespective of whether one agrees or disagrees with the findings or remedial action. She said any charges before the committee relating to this have no factual or evidential basis.

Adv Dali Mpofu, SC, also asked about the qualifications of Mr Ivan Pillay, the former Commissioner of SARS who took over from Minister Gordhan. According to Adv Mpofu, Mr Pillay must be the first person to be SARS Commissioner “armed only with a matric”. Ms Mvuyana confirmed that the PPSA did not have a copy of Mr Pillay’s matric certificate.

Ms Mvuyana confirmed, as per her statement, that she is not aware of any culture of intimidation, harassment or victimisation in the organisation. “I was never intimidated, harassed or victimised.”

Committee Chairperson, Mr Qubudile Dyantyi, agreed to a request by Adv Mpofu, SC for an extra hour to engage with the witness in order to conclude the leading of evidence which had commenced at 10:00 this morning. Tomorrow will be an opportunity for evidence leaders to put questions to Ms Mvuyana and to be followed by members of the committee.

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 and is expected to provide the NA with a report by the end of April 2023. Committee documents can be found at [Committee for Section 194 Enquiry - Parliament of South Africa](https://parliament.us15.list-manage.com/track/click?u=174940c63c5e06b60f5650bea&id=74fbc123f7&e=da105e4f6a)

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

For media enquiries or interviews, please contact the committee’s Media Officer:
**Name: Rajaa Azzakani (Ms)**
**Tel: 021 403 8437**