

ruling party leaders lobbied Zuma to change course, he reinstated Gordhan to the post of finance chief, which he had held from 2009 to 2014. Deputy Finance Minister Mcebisi Jonas said in March that the Gupta family, who are friends with Zuma, had offered him the position of finance minister before Nene was fired.

The Hawks

The elite police investigative unit known as the Hawks is investigating Gordhan, warning that he may face arrest for setting up an allegedly illicit surveillance unit when he led the national tax agency almost a decade ago. Gordhan says he hasn't broken any laws. While Zuma says he can't interfere in the case, opposition parties say he wants to use it to install a more pliant head of the Treasury. The Hawks have referred the case to the National Prosecuting Authority, which is deciding whether to charge Gordhan. Meanwhile, the Helen Suzman Foundation has filed a lawsuit aimed at overturning the police minister's appointment of Berning Ntsemeza as head of the Hawks. The High Court last year ruled that Ntsemeza was untrustworthy and lied under oath, a finding the Johannesburg-based non-profit group said rendered him unfit to hold office. The Pretoria High Court is due to hear that case in December.

The South African Revenue Service

Tom Moyane, who Zuma appointed commissioner of the South African Revenue Service in 2014, asked for an investigation into whether the tax agency had breached the law before he took over, triggering the probe by the Hawks into Gordhan's conduct. While the finance ministry oversees the tax agency, Moyane has defied Gordhan's authority and ignored his order to halt a management overhaul. The finance minister described Moyane's behavior as "totally unacceptable" and asked Zuma to fire him - a request the president refused.

The Banks

The nation's largest lenders were caught in the political crossfire when they said they will close accounts belonging to companies owned by members of the Guptas, who are in business with Zuma's son and employed one of his four wives. While Gordhan and two other cabinet ministers were tasked with investigating the decision, the banks said they weren't able to discuss it because they couldn't breach client confidentiality. Mineral Resources Minister Mosebenzi Zwane then announced that the cabinet had authorized a judicial inquiry to review the banking oversight system, and said the government had to ensure lenders didn't unfairly withhold banking services. Zuma rebuked Zwane and denied authorizing a judicial review. Gordhan said he saw no need for a probe because the courts offered adequate recourse to anyone who felt aggrieved by the banks.

State-Owned Companies

Gordhan and the Treasury have been in open conflict with several state companies over their management and spending plans. The Treasury accused power utility Eskom Holdings SOC Ltd. of stalling efforts to review its contracts, including one struck with a company in which the Guptas have a stake. It threatened legal action against state arms company Denel SOC Ltd. to stop it from entering into a joint venture in Asia with a company controlled by Gupta associates. Both companies and the Gupta family issued statements denying any wrongdoing.

The Financial Intelligence Center

The Financial Intelligence Center, which targets money laundering, has also come under attack, with Zwane calling for it to be overseen by the Ministry of State Security rather than the Finance Ministry. Zuma hasn't signed off on a law that's been passed by Parliament and will enhance the center's ability to investigate people with a high political profile, their families and their business connections after an objection from the Progressive Professionals Forum.



STUART LOWMAN

SEPTEMBER 16, 2016 | BANKS, BERNING NTSEMEZA, BNTS, CREDIT RATINGS, DAVID VAN ROOYEN, DENEL, ESKOM, FINANCES, FINANCIAL INTELLIGENCE CENTER, GOVERNMENT, GUPTA FAMILY, HAWKS, JACOB ZUMA, MCEBISI JONAS, MONEY LAUNDERING, MOSEBENZI ZWANE, NATIONAL TREASURY, NHLANHLA NENE, PRAVIN GORDHAN, SARS ROGUE UNIT, TOM MOYANE

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REPUBLIC OF SOUTH AFRICA

Summons No. 574/16

COPY: To be handed to accused

Case No. /

SUMMONS IN CRIMINAL CASE

Magistrate's Court

District Pretoria		Regional division Tshwane District	
Held at Pretoria	Court 16	Date of trial 02-November-2016	

TO THE ACCUSED

- You are hereby summoned to appear in person before the above-mentioned court at 08:30 on the above-mentioned date and place in connection with the charge(s) of which the particulars is/are mentioned above and to remain in attendance.
- An admission of guilt fine of may be made on or before to the Clerk of the above-mentioned Magistrate's Court or at any police station within the area of jurisdiction of the said Court.

Name Pravin Gordhan			
Address 93 Frans Oerder street Groenkloof			
Gender	Male	Occupation	Member of Parliament
Age	67	Id No.	4 9 0 4 1 2 5 1 3 0 0 8 7

Particulars of charge(s):

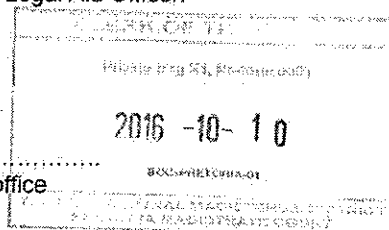
Accused is/are guilty of the offence of fraud

in that upon or about the 18 day of October in the year 2010 and at or near BROOKLYN

the accused did wrongfully SEE ATTACHED ANNEXURES A-E

- Warning: (i) Should any change in above-mentioned address take place before the proceedings are finally disposed of you are compelled to inform the official who served this summons upon you thereof.
(ii) Failure to comply with either the above-mentioned warning or this summons renders you liable to a fine or a term of imprisonment not exceeding three months
- Should you decide to dispute the charge(s) against you, and you wish to make use of legal practitioner, you may, if you cannot afford a legal practitioner, apply for legal aid at the local Legal Aid Officer.

Date stamp of issuing office



ADMISSION OF GUILT UNDER SECTION 57 OF ACT 51 OF 1977

I do hereby acknowledge that I am guilty of the offence(s) set out in this summons.

Signature

Identity number


--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

The amount of R deposited this day of in the year of

Licence/Receipt No. Dated
for the amount of R produced.

IMPORTANT

1. Should you intend making use of the post the documents must be posted on a date which will be early enough to ensure that it will reach those formerly mentioned on or before the mentioned payment date.
2. Only cash, a money order, a postal order or a cheque guaranteed by a bank, will be accepted.
3. The summons, signed by you, must accompany the fine.

2 

ANNEXURE "A"

Case no:

/2016

THE STATE

VERSUS

OUPA MAGASHULA

ACCUSED 1

IVAN PILLAY

ACCUSED 2

PRAVIN GORDHAN

ACCUSED 3

COUNT 1

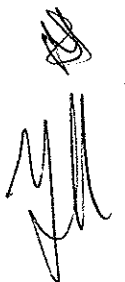
THAT the accused are guilty of the crime of FRAUD read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

IN THAT upon or about 18 October 2010 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Nic Coetzee and/or Susan Visser and/or Khethang Mokoena and/or the South African Revenue Service (SARS) and/or the National Treasury that SARS was liable to pay a sum of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay which amount was a penalty payable by Pillay to the Government Employees Pension Fund for taking early retirement for his own personal reasons, by requesting, recommending and approving that SARS should pay the said amount through a memorandum dated 18 October 2010,



AND did there and then and by means of the said false pretences induce Nic Coetzee and/or Susanna Visser and/or Khethang Mokoena and/or the South African Revenue Services or the National Treasury to their/its actual prejudice to pay the sum of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay;

WHEREAS when the accused so gave out and pretended they well knew that in truth the South African Revenue Service (SARS) was not liable to pay the amount of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11 to the Government Employees Pension Fund on behalf of Ivan Pillay thereby committing fraud.



ANNEXURE "B"

Case no:

/2016

THE STATE

VERSUS

OUPA MAGASHULA

ACCUSED 1

IVAN PILLAY

ACCUSED 2

PRAVIN GORDHAN

ACCUSED 3

Alternative to count 1

That the accused are guilty of Theft read with sections 1, 92(2), 250, 256 and 257 of Act 51 of 1977, further read with sections 51(2) of Act 105 of 1997

IN THAT upon or about 18th October 2010 and at or near Pretoria in the Regional Division of Gauteng, the accused did unlawfully and intentionally steal an amount of One Million one hundred and forty one thousand one hundred and seventy eight rands and eleven cents R1 141 178.11, the property or in the lawful possession of Nic Coetzee and/or Susanna Visser and/or Khethang Mokoena and/or the South African Revenue Services (SARS).

ANNEXURE "C"

Case no: /2016

THE STATE

VERSUS

OUPA MAGASHULA

ACCUSED 1

IVAN PILLAY

ACCUSED 2

COUNT 2

THAT the accused are guilty of contravention of Section 86 read with section 1, 38, 39 and 45 of the Public Finance Management Act, Act 1 of 1999 and further read with Sections 1, 92(2), 250, 256 and 257 of Act 51 of 1977

IN THAT upon or about the date and place mentioned in count 1, accused 1 whilst being an Accounting officer for The South African Revenue Services (SARS), acting in concurrence with accused 2 and 3 wilfully and in a grossly negligent way, caused SARS to incur or failed to prevent irregular, fruitless and wasteful and unauthorised expenditure and thereby contravening the said sections of the Act.

ANNEXURE "D"

Case no: /2016

THE STATE

VERSUS

OUPA MAGASHULA

ACCUSED 1

IVAN PILLAY

ACCUSED 2

Count 3

THAT the accused are guilty of the crime of FRAUD read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

IN THAT upon or about 7th February 2011 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Chrisna Susanna Visser and/or Human Resources of SARS and/or SARS that SARS was authorised to enter into an employment contract with Mr Visvanathan Pillay for a period of five (5) years commencing on 1 January 2011 and terminating on 31 December 2015;

AND did there and then by means of the said false pretences induce Chrisna Susanna Visser and of Human Resources of SARS and/or SARS to her /its prejudice to a remuneration package for a period of five (5) years instead of a remuneration package of three (3) years



WHEREAS when the accused so gave out and pretended, they well knew that in truth the South African Revenue Service (SARS) was only authorised to conclude a three (3) year contract with effect from 1 August 2010 with Mr Visvanathan Pillay and thereby committing fraud

A handwritten signature in black ink, consisting of several stylized, overlapping loops and lines, located in the bottom right corner of the page.

ANNEXURE "E"

Case no:

/2016

THE STATE

VERSUS

IVAN PILLAY

ACCUSED 2

PRAVIN GORDHAN

ACCUSED 3

Count 4

THAT the accused are guilty of the crime of FRAUD read with sections 1, 103, 250, 256 and 257 of Act 51 of 1977 and further read with section 51(2) of Act 105 of 1997.

IN THAT upon or about 1st April 2014 and at or near PRETORIA in the Regional Division of Gauteng the accused, did unlawfully, falsely and with the intent to defraud give out and pretend to Chrisna Susanna Visser and/or Human Resources of SARS and/or SARS that SARS was authorised to enter into an employment contract with Mr Visvananthan Pillay as Deputy Commissioner for a period of four (4) years commencing on 1 April 2014 and terminating on 31 December 2018;

AND did there and then by means of the said false pretences induce Chrisna Susanna Visser and of Human Resources of SARS and/or SARS to her /its prejudice to an annual remuneration package of One million nine Hundred and eighty nine thousands five Hundred and eighty



nine rands and fifty two cents for a period of four (4) years when there was no approved internal memo or letter authorising same.

WHEREAS when the accused so gave out and pretended, they well knew that in truth the South African Revenue Service (SARS) was under no obligation to enter into a new employment contract or extend the employment contract entered into on 7 February 2011 with Mr Visvanathan Pillay as it still had a period of a year to run to conclusion and thereby committing fraud.

A handwritten signature in black ink, appearing to be 'M. Pillay', located in the bottom right corner of the page.

GILDENHUYS MALATJI
ATTORNEYS

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STATEMENT BY GILDENHUYS MALATJI ON BEHALF OF MINISTER PRAVIN GORDHAN.

We have received the attached summons directed to Minister Pravin Gordhan to appear in the Regional Division, Pretoria Court 16 on 2 November 2016. The summons was received by Minister Gordhan's office in circumstances where we had expected that the National Director of Public Prosecutions ("NDPP") will interact with us in light of the correspondence exchanged between our office and the NDPP dating back to 18 May 2016. We had repeatedly requested that the NDPP afford Minister Gordhan the opportunity to make written and/or oral representations before making a decision on whether to prosecute or not. In particular, the NDPP, Adv. S. K. Abrahams, advised us on 25 August 2016 that he will only consider our request to make representations to him on whether to initiate a prosecution or not once the investigation has been concluded and a docket has been submitted to the National Prosecuting Authority. It is surprising that we have only received a letter dated 4 October 2016 but only sent to our office this morning advising that Minister Gordhan is an accused person. The correspondence exchanged between our office and that of the National Prosecuting Authority is attached.

The other difficult matter for Minister Pravin Gordhan to appreciate is the nature of the charges. We were firstly advised that he is not a suspect during May 2016. In August 2016, Minister Pravin Gordhan was advised that he should give a warning statement which by its very nature meant that he is now considered to be a suspect in relation to very clearly defined charges. It was contemplated by the HAWKS that he has contravened the provisions of Sections 1, 34 and 81(2) of the Public Finance Management Act, 1 of 1999, that he was guilty of corruption in terms of Section 3, 4 and/or 10 of the Prevention of Corrupt Activities Act, 12 of 2004 as well as Section 3 of the National Strategic Intelligence Act, 39 of 1994. These related to the establishment of an investigative unit at SARS and the early retirement of Mr Ivan Pillay as SARS Deputy Commissioner.

The charges now preferred against Minister Pravin Gordhan are charges of fraud alternatively theft insofar as it relates to Mr Pillay's early retirement. Fraud is defined as "the unlawful and intentional making of a misrepresentation which causes actual prejudice or which is potentially prejudicial to another". In order to succeed with proving the crime of fraud, the State must establish the elements of the crime which are defined as first, a misrepresentation, second, prejudice or potential prejudice to another, third, unlawfulness and lastly an intention to so prejudice.

The Minister is taking counsel on all available legal avenues to bring this matter to an expedited end.

Tebogo Malatji
Gildenhuis Malatji Inc
11 October 2016

All the documents mentioned in this statement are available [here](#)

Official audio clip by Tebogo Malatji discussing above statement, please [click here to download](#)

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