



26/1/1

INFORMATION NOTE

To: The Deputy National Commissioner: Policing

SARS/MPISI TRADING 74 (PTY) LTD COMPLAINTS: BEDFORDVIEW CAS 53/11/2013; PERJURY; BEDFORDVIEW CAS 337/09/2013 INTIMIDATION; CLEVELAND CAS 220/01/2014; MALITIOUS DAMAGE TO PROPERTY AND TRESPASSING

1. Criminal cases were registered for investigation by the Director of Mpisi Trading and employees of Mpisi Trading against officials of the South African Revenue Service.
2. The South African Revenue Service is conducting a tax inquiry into the affairs of Mpisi Trading and the Directors in terms of the Tax Administration Act, Act 28 of 2011.
3. A complaint was received from the South African Revenue Service that Mpisi Trading is, by registering criminal cases against officials of the South African Revenue Service, attempting to frustrate the officials with the intention to interfere with the execution of the mandate of the South African Revenue Service.
4. Three cases were registered for investigation and information of these cases as follows;

4.1 Bedfordview CAS 53/11/2013 – Perjury and Fraud

Summary of the incident

The South African Revenue Service obtained a search and seizure warrant for Mpisi Trading and the residence of the Director of Mpisi Trading, Mr Haung. During this operation exhibits were seized by the officials.

Mr Haung complained that the statements submitted to obtain the search and seizure warrant were false. There is currently a pending application before the North Gauteng High Court for reconsideration to set aside the search and seizure warrant.

Status of the investigation

The case was allocated to the Detective Service, Bedfordview for investigation. To finalise the investigation in this case the investigation officer was instructed to obtain

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the original statements of the South African Revenue Service officials at the North Gauteng High Court. These statements were not available as they form part of the application to set aside the search and seizure warrant. The investigation officer was already instructed in January 2014 to obtain the statements.

As the investigation officer cannot obtain the original statements he is instructed to hand the docket to the Senior Public Prosecutor for a decision. If the original statements or certified copies of the statements are needed by the Prosecutor to enable her to make a decision the North Gauteng High Court will be requested to make the statements available.

4.2 Bedfordview CAS 337/09/2013 – Intimidation

Summary of the incident

On 19 September 2013 officials of the South African Revenue Service arrived at 10 Zen, Harper Road, Bedfordview and requested to enter and search the premises. This was a private residence belonging to Mpisi Trading. This was not granted and then the officials entered the premises without permission or a search warrant permitting them to enter and search the premises. While busy at the premises members of the South African Police arrived after they were informed that there was an armed robbery in progress at the premises.

A case was registered for investigation. The officials denied committing a crime and said that the South African Police was called to the scene to defeat or obstruct the South African Revenue Service in executing their duties.

Status of the investigation

According to the investigating officer the investigation is finalised. He was instructed to hand the docket to the Senior Public Prosecutor for a decision.

4.3 Cleveland CAS 220/01/2014 – Malicious Damage to Property and Trespassing

Summary of the incident

Officials of the South African Revenue Service detained 57 containers belonging to Mpisi Trading. On 23 January 2014 officials of the South African Revenue Service inspected the containers in the presence of Mpisi employees. The officials felt that property was removed and requested the Mpisi officials to accompany them to another Mpisi premises. The Mpisi employees refused and the officials went to the other

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premises of Mpisi Trading without any employee of Mpisi. The gates were locked and the officials cut the padlocks to gain entry to the premises. Once in the premises they forced open three containers to inspect the contents of the containers. There were security guards employed by Mpisi Trading on the premises. The South African Police Service was called as a business robbery in progress was reported to the Police.

When the Police arrived at the scene it was discovered that it was officials of the South African Revenue Service conducting a search.

Status of investigation

The investigation is finalised, however the Director of Mpisi Trading, Mr Haung, informed the investigating officer that he want to hand in a statement explaining the on-going intimidation of the South African Revenue Service. The statement was supposed to be handed to the investigating officer in January 2014. It is still outstanding. The investigating officer was instructed to inform Mpisi Trading that if the statement is not handed to the investigating officer within two weeks the docket will be handed to the Senior Public Prosecutor for a decision without the requested statement.

5. The investigating officers were informed that the investigation in these cases must be finalised without delay as the delaying of the investigation can give the impression to the South African Revenue Service that the South African Police are not finalising the investigation to benefit Mpisi Trading.
6. Progress will be reported.

DIVISIONAL COMMISSIONER: DETECTIVE SERVICE

Date:

Comments

**LIEUTENANT GENERAL
DEPUTY NATIONAL COMMISSIONER: POLICING
KJ SITHOLE (SEO)**

Date: