

Public Protector charged over classified document

The State Security Agency (SSA), under Minister Dipuo Letsatsi-Duba, has opened a criminal case against Public Protector Busisiwe Mkhwebane, charging her with theft of information and violation of security laws after she allegedly laid her hands on a classified state document, says a [City Press](#) report. What it describes as the low-key warfare between Mkhwebane and Letsatsi-Duba blew out into the open after numerous exchanges of correspondence and a meeting between the two failed to resolve a dispute that can be traced back to the allegations of a rogue intelligence unit at SARS and factional bickering in the ANC. Central to the dispute is a classified investigative report belonging to the SSA, which Letsatsi-Duba's predecessor David Mahlobo had commissioned in 2014 – through the Inspector-General of Intelligence (IGI) – to look into media allegations of illegal operations by spies to destabilise SARS. **The secret report also flagged issues at SARS that needed closer scrutiny.** The Inspector-General could not probe these because the office did not have a mandate over the revenue agency. After Mkhwebane's repeated attempts to get the report officially from Letsatsi-Duba, a copy was reportedly 'leaked' to her by unidentified persons, who dropped it off at her office. Letsatsi-Duba wants it back.

The Minister has turned to the SAPS for support after failing to convince Mkhwebane to hand the copy over and assist counter-intelligence investigators looking into the leak to her office as well as into investigative publication *Noseweek*, which published the contents of the report. [City Press](#) says the SSA confirmed it had laid a criminal complaint regarding illegal possession of classified information. Letsatsi-Duba said: **'It is absolutely crucial that the person occupying the Office of the Public Protector respect the laws of our country and that she/he also understand the role of the Public Protector in our constitutional democracy.** It is extremely disturbing to note that the incumbent, Advocate Mkhwebane, has not shown the necessary willingness to comply with the prescripts of the law as it concerns the classified report which is in her possession.' Police confirmed that a criminal case against Mkhwebane, who reportedly would not comment, was opened recently at Lyttelton Police Station in Centurion and that the docket was later transferred to the Hawks. The report says government insiders have cast aspersions on Mkhwebane's motives, claiming that her interest in the report was part of the factional battles in the ANC, pitting the new guard under President Cyril Ramaphosa against former President Jacob Zuma's old guard. According to *Noseweek*, the sought-after report found SARS created a covert unit using covert and intrusive methods, in direct contravention of its mandate. It also found that SARS had created a way to intercept and monitor communications, which went beyond targeting tax offenders, to be used for political purposes.