



Date : 07 September 2020

Ref No: SARS/9021/2020

TO: SARS Commissioner Edward Kieswetter (Served by Email: EKieswetter@Sars.gov.za)

CC: Director General JB Skosana (Acting), Adv (email: JSkosana@justice.gov.za)

Cc: Minister of Finance : Honorable Tito Mboweni (served by email: mary.marumo@treasury.gov.za)

CC: Auditor General Thembekile Makwethu (served by email: ThembekileM@agsa.co.za)

Cc : Tax Ombudsman Judge Bernard Ngoepe, (complaints@taxombud.gov.za)

URGENT LETTER OF DEMAND: REQUEST FOR SARS TO REFUND WITHIN 72 HOURS” ALL VICTIMS THAT EXPERIENCE THE UNLAWFUL FORCEFUL SARS DEBITS DURING LOCK-DOWN

Dear SARS Commissioner Mr. Edward Kieswetter

1. The above matter refers
2. We Hola Bon Renaissance Foundation act on behalf of victims and/or affected South Africans who were forced to pay **South African Revenue Service “SARS”** during Lockdown a violation of the Disaster Management Regulation during Lockdown
3. It has come to our attention that there are affected victims and /or South Africans whose bank accounts were forcefully debited to settle SARS during the disaster management period.
4. The SARS must adhere to the Disaster Management Regulations and High Court Judgments failure the leadership of SARS shall be in contempt of Court and in violation of Disaster Management Regulations and President directives
5. On 23 March 2020 the President declared a national lock down
6. Since 26 March 2020, South Africans are being on lockdown, the South Africans became victims of force payments to SARS which increased their trauma and stress, during a period of loss of income which has been endured for the duration of these lock down.
7. On the 30 August 2020he Auditor General Report on the 1st Special Report on Covid19, indicate that out of R500billion. that SARS received seventy(R70) billion rands in a form of Temporary Tax Relief which aimed at tax deferral and postponement of payment of South Africans to SARS during this period of lockdown

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8. The SARS supposed to provide a life line during lock-down and instead SARS is operating unlawful missions, violates the constitution, undermines the President and courts, breeds maladministration, ill-discipline, poor controls and corruption
9. Taking advantage of the poor South Africans, whom majority of South Africans are pensioners, unemployed, retrenched and businesses in distress during lock-down is unethical and violates the rights and democracy of all South Africans
10. This letter serves to demand the SARS to immediate stop with its operation that of forcing payment of any debts owed to it by all South Africans as it enjoys the allocated R70 billion and
11. Furthermore demand that SARS to immediate refund all victims who suffered this inhuman and unethical behavior of SARS during COVID 19
12. There is no interest payable on the refund amount unless SARS intends to settle the matter in Court
13. It is the responsibility of the SARS to implement a corrective measure that includes mitigating the impact of wrongful and/or unnecessary deduction and refund the victims. A disciplinary measures, including termination of service for those involved
14. The SARS to stop abusing South Africans during this difficult times of Lock downs, noting that SARS is operating on an ad-hoc staff and its systems cannot fully service South Africans that should not be reasons to behave it such manner
15. SARS to provides a better enhanced communication platform ,which enable any South Africans to be assisted with and without access to digital means, noting that existing digital gap that exist amongst majority of South Africans having no access to internet due to the economic recession we are experiencing and literacy in the country,
16. We therefore demand an immediate refund to the victim, the SARS make payments directly to the victim within 72 (Seventy two)hours from the date of transmission hereof, failing which we shall institute legal proceedings against the Commissioner and SARS for payment, including recovering the costs that we would have occasioned as a



Result of SARS failure to comply with the terms of its obligation and that of the letter of demand.

17. Furthermore should the SARS fail or delays we shall institute legal proceedings against the Commissioner and SARS to claim for unlawful Enforcement on Urgent basis.

18. Kindly effect payment into the accounts of all the respective victims

19. Kindly acknowledge receipt hereof.

Yours faithfully

Bontshitswe P Mothopeng Msieleng

Chairperson of Hola Bon Renaissance (HBR) Foundation

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