



# **EXHIBIT Z4**

**SECOND  
SUPPLEMENTARY  
AFFIDAVIT**

**OF**

**JOHAN WESSEL  
BOOYSEN**

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**JUDICIAL COMMISSION OF INQUIRY INTO ALLEGATIONS OF STATE CAPTURE,  
CORRUPTION AND FRAUD IN THE PUBLIC SECTOR INCLUDING ORGANS OF STATE**

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**SECOND SUPPLEMENTARY AFFIDAVIT**

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I, the undersigned,

**JOHAN WESSEL BOOYSEN**

do hereby state under oath as follows:

1.

I am an adult male South African citizen residing in Pretoria, Gauteng Province.

2.

All the facts stated herein, unless the context indicates otherwise, are within my own personal knowledge and are to the best of my belief both true and correct.

3.

On 2 April 2019, I deposed to an affidavit which I provided to the Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State [**“my main affidavit”**]. I subsequently deposed to a supplementary affidavit on 9 April 2019 [**“my first supplementary affidavit”**].

4.

The purpose of this second supplementary affidavit is to attach an annexure that ought to have been attached to my main affidavit and to correct the date of my retirement.



5.

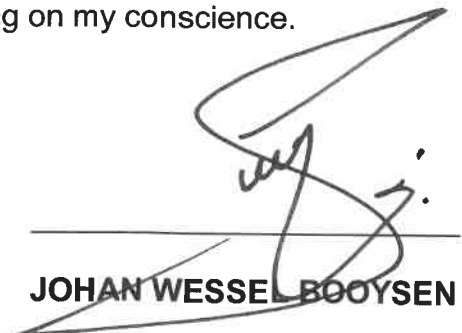
In paragraph 41 of my main affidavit, I attached a Progress Report marked "Annexure JWB1". The report so attached is the report that followed the actual report referred to in the paragraph. I attach hereto a copy of the actual report marked **Annexure "JWB 1.1"** and I ask that it be incorporated into my main affidavit accordingly.

6.

I have since noted a further typographical error in paragraphs 4 and 5 of my main affidavit. I retired during the year of 2017 and not 2016 as recorded in these paragraphs.

7.

I know and understand the contents of this declaration. I have no objection to take the prescribed Oath. I consider the oath to be binding on my conscience.



JOHAN WESSEL BOOYSEN

I certify that the deponent who acknowledges that he knows and understands the contents of this affidavit; that it is the truth to the best of his knowledge and belief and that he has no objection to taking the prescribed oath and regards the same as binding on the deponent's conscience and the administration of the oath complied with the Regulations contained in Government Gazette No. R1258 of 21 July 1972,

as amended. This affidavit is signed and sworn to before me at Johannesburg on  
this 15<sup>th</sup> day of **April 2019** at Midrand.



COMMISSIONER OF OATHS

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# **ANNEXURE “JWB1.1”**

**PRELIMINARY REPORT ON INVESTIGATIONS:**  
**COMMERCIAL CRIME ENQUIRY 07/05/2010**

Discussion held with Brig. Lategan and Colonel Hans van Loggerenberg and myself Colonel V Soobramoney on Monday 3<sup>rd</sup> May 2010.

Information received from Brig Lategan related to the claims submitted by Goldcoast Trading CC belonging to one Thoshan Panday to the SAP for payment in respect of services rendered.

It is alleged that Supply Chain Management from PHQ Kwazulu Natal has from October 2009 to date utilized the services of Goldcoast Trading CC and settled claims in excess of R15 million.

On the little information given by Brig Lategan we were required to determine a link between Thoshan Panday and members of SCM from PHQ. However on Thursday 6<sup>th</sup> May 2010 we were instructed by Brig Lategan to return the investigation file to PHQ after he had received instructions to halt the investigations.

Thus far our investigations have revealed the following:

1. There are three targets identified in what appears to be case of fraud and corruption, namely Thoshan Panday the director of Goldcoast Trading CC, Colonel N Madhoe attached to SCM at PHQ and Captain A Narainpershad also attached to SCM at PHQ.
2. Thoshan Panday is also the director of eight other CC's registered in his name. In two of the CC's he has a partner.
3. From October 2009 to date SCM from PHQ have paid Goldcoast Trading CC in excess of **R15 million** for services rendered. Of these claims 99% are in respect of accommodation obtained for SAP members whilst two claims are for the procurement blankets, one claim for two Sony Bravia 40 inch televisions, one claim for flip charts stands, and one claim for the procurement of a generator.
4. It has also been established that SCM had made use of United Mzansi Trading and Projects CC a close corporation owned by Thoshan Panday to hire 13 C-Class Mercedes Benz during February 2010 at a cost of **R198 000**.

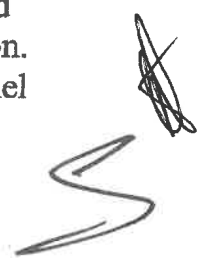
**5. TOZER'S BED AND BREAKFAST: BERGVILLE KZN**

Prior to the investigation being recalled we established the following irregularity. Goldcoast Trading CC procured accommodation for six members for 30 nights in total at Tozer's BB at Bergville, Kwazulu



Natal. Thoshan Panday had submitted two claims for payment in respect of the above services. The first claim was from 24 December 2009 to 6 January 2010. The claim submitted and settled by the SAP was for **R113 400**. However, the actual cost of the accommodation at Tozer's BB was **R29 400**. The second claim from 6 January 2010 to 22 January 2010 (16 nights for six members) for **R172 800** was settled by the SAP. The actual cost of this accommodation at Tozer's BB was only **R33 600**. However with regard to the second part of the claim Thoshan Panday made use of Tozer's BB to accommodate the members and no further members arrived as an addition to the manpower requested for the detached duties. However, in the second part of the claim he submits that two late comers were accommodated at a cost of **R43 200**. This amount is included in the **R172 800** settled by the SAP. Our investigations revealed that only six members were deployed to Escourt for the required duties. It would appear that this claim is false.

6. In respect of the above deployment of six members to Escourt, the total cost that the police would have incurred had they made a booking directly at Tozer's BB would have cost **R63 000 ( R29 400+ R33 600)**. However by making use of Goldcoast Trading Cc the SAP had to fork out **R 286 200 (R113 400+R172 800)**. An over expenditure of **R223 200**. A statement has been obtained from the owner of Tozer's BB who submitted that she had charged **R350.00** pppn; however Goldcoast Trading CC had billed the SAP **R1350.00** pppn for eight members and not for six members as submitted by Mrs Tozer.
7. A second claim was submitted and settled for **R119 880** for six members that were accommodated at Pinetown. According to the application for accommodation from Captain Narainpershad, accommodation was required for six members being trainers from Pretoria for the training of NIU Members at Chatsworth College from 21<sup>st</sup> February 2010 to 14 March 2010. Our investigations have revealed that the trainers were not from Pretoria but from KZN. One trainer stayed at his home and travelled daily to the course as he lived nearby. The course organiser Colonel Ally from the Divisional Commissioner Training at Pretoria was contacted and he submitted that all trainers and trainees in respect of the abovementioned training were to be accommodated at the Chatsworth Training College. No financial authority was granted for any member or trainer to be housed in private accommodation. An allowance of R50.00 per day was however authorised. Colonel





Ally confirmed that no trainer from Pretoria travelled to Chatsworth College for the training of the NIU members. It would appear that the expenses met for the payment of this claim was utilized from the KZN Provincial Budget. From my investigation it appears that the trainers were accommodated at Mrs Gets BB despite being instructed to stay at Chatsworth College. The actual cost for this accommodation paid by Goldcoast Trading CC was R 30 492 but the SAP was billed R119800.

8. I made contact with the owner of Mrs Gets BB, Mrs Getsamane who indicated that members of the SAP have stayed at her BB on several occasions and the rates she charged was R350.00pppn including breakfast. She further added that she had provided Goldcoast Trading CC a quotation for accommodation for the duration of the soccer World Cup and she has maintained her rates at R350.00 ppn with breakfast.
9. It would appear that from the little paper work that we have in respect of accommodation required for any detached duties Goldcoast Trading CC is the preferred client and the modus operandi of Captain Narainpershad is that only one quote was obtained owing to the urgency of the accommodation required or that there was no other accommodation available close to the training venue. This reason was accepted by the approving officer Colonel Madhoe.
10. At this stage Goldcoast Trading had been used more than 140 times to source accommodation and other services by SCM. It would appear that the targets have found a small loophole in the procurement policy and are exploiting this loophole to benefit one preferred client.
11. Furthermore the SAP does not have a service provider who acts as an agent to source accommodation for SAP members. SAP members either have to find accommodation for themselves with three quotations or the department or station or unit would also source accommodation for groups of members by obtaining three quotations. There is also a limitation on the cost of the accommodation sourced.
12. However in this investigation it would appear that all the accommodation sourced by Goldcoast Trading CC for the SAP has



been done with only one quotation, and no regard has been given on cost saving in that accommodation for more than **R2500.00** per night has also been approved. Even very senior officers of the SAP do not have the privilege of staying in such over-priced accommodation. All these expensive accommodation has been approved by Colonel Madhoe and there must be a motive for approving such exorbitant amounts submitted by Goldcoast Trading CC.

13. Our investigations has also revealed that Goldcoast Trading CC has submitted a tender of R55 million for accommodation for SAP members for the duration of the 2010 World Cup. This tender needs urgent investigation.
14. Our investigation also reveals that Colonel Madhoe was subject to an investigation which was allegedly stopped when he complained to higher authority. The investigations were being conducted by the Serious Economic Offences Unit from Pretoria. The investigation was in connection with tender and procurement irregularities from the SCM office in Durban.
15. The invoices for payment submitted by Goldcoast Trading CC are being generated from a computer. The invoice is vague and does not contain the details of the BB used to accommodate the members. This has been deliberately left out as the prices charged by the BB's have been substantially inflated.
16. The invoices submitted by Goldcoast Trading CC do not have a VAT number and could possibly not be registered for VAT. This matter has to be reported SARS for investigations as well.
17. Our investigation also reveal that Goldcoast Trading is not registered as an agent to provide accommodation for cooperates thus qualifying for a commission. Goldcoast Trading CC had made use of an agent to secure accommodation at Tozer's BB and the owner of Tozer's BB had paid a percentage of the R350.00 per night charged as commission to Magda Herne the agent who dealt with Goldcoast Trading CC.



18. There is no truth that Goldcoast Trading CC obtains 20% commission for securing accommodation for the SAP members from the respective accommodation facilities. If Goldcoast Trading CC was receiving a commission from the various BB's and guest houses or hotels used, they would attach an original invoice from the said establishment and claim commission from them directly. Our investigation would have shown that there would be no inflation on the prices charged by the respective establishment if Goldcoast trading CC acted as an agent and was paid commission.

At this moment in time only limited investigations can be done as we do not have the details of the various BB's used for accommodating SAP members. This is due to the fact that the invoices submitted by Goldcoast Trading CC deliberately left out the name of the facility used.

Secondly the request for accommodation from the respective office or department is not attached to the completed payment file. The application is required to establish whether there was a genuine request for the accommodation in order to establish how many fraudulent and or duplicate claims were paid out.

We have not approached Brig Hunters office for these applications as we unable to trust anyone who would confidentially give us the required information.

Finally, according to the applications for accommodation that is approved by Colonel Madhoe, Captain Narainpershad does not submit a name list of the members that requires accommodation and further he only obtains one quote from Goldcoast Trading CC. If the SCM or the office requiring accommodation for the members takes the initiative to obtain three quotations directly from the BB or the guesthouse concerned this would save the SAP a great deal of money. By making using of a "middleman" in this case, Goldcoast Trading CC who is not appointed as an agent to source accommodation for the SAP, the SAP is forking out millions in fruitless and unlawful expenditure.

It is our submission that we would be able to prove fraud and or corruption in this matter. We require unhindered investigation in this matter and the call up instructions for all detached duties including the written request for the accommodation and other items mentioned above that was sourced by Goldcoast Trading CC.

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## NEW FACTS

The follow up investigations have revealed the following:

1. A statement has been obtained from the manager at the Road Lodge at Umhlanga Ridge where Goldcoast Trading CC had sourced accommodation for 38 SAP members. The witness submits that 19 rooms (all sharing) were allocated at a total cost of **R65 155.50** from 10 November 2009 to 16 November 2009 (6 nights). According to the claim submitted to the SAP for payment by Goldcoast Trading CC, a total of 41 members were accommodated for 6 nights. This was broken down into 40 members sharing at **R525.00** per member costing **R126 000** and 1(one) member residing in a single room at **R875.00** costing **R5250.00** and total claim of **R141 250.00**. However, the actual cost of the accommodation if booked directly would have cost **R65155.50**.  
  
**However the witness claims that Road Lodge does not have a rate for single rooms. All rooms have either a double bed or two single beds. The rate remains the same and the cost for accommodation is per room and not per person.** The rate that was charged for this accommodation was **R429.25** per person plus **R45.00** person for breakfast. In respect of this accommodation, not only did Goldcoast Trading CC inflate the rate of the accommodation, fraud was committed in that the SAP was charged for one single room for six nights at the rate **R825.00** per night and further instead of charging for the room the SAP was charged separately per person at **R525.00** Furthermore according to the claim 41 members was accommodated at a total cost of **R141 250** when in actual fact only 38 members were accommodated in 19 rooms (all sharing).
2. Mr Thoshan Panday owing to the vast amounts of profit generated from his dealings with the SAP managed to purchase a 2009 model Ferrari California at a purchase price of **R 2 551 000.00**. He paid a deposit of **R 510 000.00**. The purchase of this car was done in the first week of May 2010.
3. A brief perusal of the Nedbank bank statements of Goldcoast Trading CC obtained via section 205 reveals startling activities. The bank account was opened in 2007 but a request for the statements from January 2009 to 17 May was done. The activity between January 2009 to October 2009 shows that Goldcoast

Trading was actually struggling financially with several cheques returned unpaid or deliberately cancelled by the drawer. However from the first payment received from the SAP on 20 November 2009 the financial woes of Goldcoast Trading CC came to an abrupt end. It appears so profitable that from 20<sup>th</sup> November 2009 to 24<sup>th</sup> December 2009 the SAP paid **R2 075043.00** into the account of Goldcoast Trading. Accommodation for during this period from the Nedbank account totalled **R475 188.00**

4. On 5<sup>th</sup> January 2010 the SAP paid the total in one payment of **R1303460.00** into the account of Goldcoast Trading CC.
5. On 1<sup>st</sup> march 2010 the SAP paid the total in one payment of **R1894200.00** into the account of Goldcoast Trading CC.
6. On 28<sup>th</sup> April 2010 the SAP made two payments into the account of Goldcoast Trading CC for **R5 000 000.00** and **R536780.00** respectively.
7. On 11<sup>th</sup> May 2010 the SAP made two payments of **R1 795 000.00** and **R108 000** respectively into the account of Goldcoast Trading CC.
8. The bank statements have to be analysed in order to trace all the funds received and transferred and paid out as there appears to be a great deal of activity on the account.
9. At this stage the only income into the account of Goldcoast Trading CC has been received from the SAP.
10. All other accounts of Goldcoast Trading CC, the personal accounts of Thoshan Panday and his spouse have to be obtained and further analysed.

REPORT COMPILED BY: COLONEL V SOOBRAMONEY  
DPCI: COMMERCIAL CRIME  
KWAZULU NATAL  
DURBAN

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