



# **EXHIBIT HH 11**

**AFFIDAVIT & ANNEXURES**

**OF**

**ANNA SUSANNA  
FOURIE**



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

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

**AN INVESTIGATION INTO THE VREDE DAIRY PROJECT**

**CONFIRMATORY AFFIDAVIT**

I, the undersigned,

**ANNA SUSANNA FOURIE**

hereby declare under oath as follows:

1. I am a former Deputy Director General: Financial Governance at the Free State Provincial Treasury.
2. The content of this affidavit is true and correct and falls within my own personal knowledge, unless the contrary clearly appears from the context or is otherwise stated.
3. I have previously provided an affidavit for purposes of a criminal investigation into the Vrede Dairy Project, under CAS 200/07/2017, which affidavit was used in an application launched in terms of section 38 of the Prevention of Organised Crime Act, 121 of 1998. In this regard, I attach a copy of this affidavit hereto as annexure "ASF 01".
4. I have been advised by the investigators associated with the Commission of Inquiry into Allegations of State Capture, Fraud and Corruption in the Public Sector and certain Organs of State ("the Commission"), that the affidavit, is

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ASF

relevant to the investigations of the Commission and in this regard, I confirm in particular the content of that affidavit as if specifically repeated herein.

5. This is all I wish to record at this stage.

REFAHLE

DEPONENT

Signed and sworn before me at BLOEMFONTEIN this 30 day of JULY 2019 after the deponent declared that the deponent is familiar with the contents of this statement and regards the prescribed oath as binding on the deponent's conscience and has no objection against taking the said prescribed oath. There has been compliance with the requirements of the Regulations contained in Government Gazette R1258, dated 21 July 1972 (as amended).

COMMISSIONER OF OATHS:

2261089-1  
Chiako SR

FULL NAMES:

SELLEANE MATHOKO

CAPACITY:

CONSTABLE

ADDRESS:

02 PARK ROAD

MILLONS

BLOEMFONTEIN



"ASF 01" 792

[PARK ROAD CAS 200/07/2017 ]

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**AFFIDAVIT**

I, the undersigned,

**ANNA SUSANNA FOURIE**

Do hereby make oath and say that:

1. I am an adult female 59 years of age, with Id No: 580503 0011 081, and employed by the Free State Provincial Treasury as the Deputy Director General: Financial Governance (" PAG" ) , with contact number 082 550 8385/ 051 4055509
2. The facts set out in this affidavit are, unless otherwise stated or the converse appears from the context hereof, the facts herein are within my personal knowledge and are, to the best of my knowledge and belief, both true and correct.
3. I make this affidavit in my official capacity as the Deputy Director General Financial Governance (PAG) wherein I report directly to the Head of Department (HOD). I am responsible for Accounting Services, Financial Statements, Internal Audit, Risk Management and Norms and Standard. Our mandate is derived from Section 18 and 19 of the Public Finance Management Act ("the Act").
4. Due to my responsibilities related to risk management as well as norms and standards, I attend to varies meetings.

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[PARK ROAD CAS 200/07/2017 ]

5. On 15 June 2012, I attended staff function. In the same function the then CEO, Mr Kgomongwe was present. While at the staff function Mr Kgomongwe requested me to assist the other colleagues within the Free State Provincial Treasury to consider the funds required by the Free State Department of Agriculture.

6. While at the function the then Chief Financial Officer (S. Dlamini) from Free State Department of Agriculture arrived. When she arrived I and other colleagues had to leave the function earlier and go back to the office. At the office the CFO produced the contract between the Free State Department of Agriculture and Estina as well a payment document request from Free State Department of Agriculture for an amount of R 30 Million. The documents were assessed and certain questions were asked to the CFO which some of those questions were related to the contract produced by the CFO. She was unable to answer satisfactory.

7. After assessing the documents Ms M Moduka an official responsible for the Provincial Revenue Fund at the time was requested to verify the availability of the funds in the Provincial <sup>Revenue</sup> Treasury bank account. On confirmation of the balance, the maximum amount which was available if the payment should proceed was only R 5 million. There were no enough funds from Provincial <sup>Revenue Fund</sup> Treasury we were unable to effect the payment of R 30 million.

8. I was very concern about the contract signed between the Free State Department of Agriculture and Estina. Furthermore I noted that the normal procurement process had not been followed in procuring Estina's services. I

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Revenue Fund  
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[PARK ROAD CAS 200/07/2017 ]

highlighted my concern with the CFO on the day of the meeting. In my view the contract was not drafted in the interest of the Department.

9. On the 18 June 2012, I went to the office of the State Law Advisors in the Department of the Premier for review of the contract. I consulted with Adv Ditira DDG Legal Service and handed to her copy of the contract dated and signed by HOD Mr Thabethe on the 7<sup>th</sup> June 2012 and by Estina representative on the 5 June 2012 for review.

10. On the 19 June 2012, Adv Ditira responded through a letter. Copy of the letter Marked Annexure ASF 01. I am also aware that State Law Advisors became involved in the process thereafter and advised the FSDA on the second agreement concluded with Estina. I am not aware as to what extent they were advised.

I read this affidavit before I signed it.

I Know and understand the contents of this affidavit.

I do not have any objection to taking the proscribed oath.

I consider the prescribed oath to be binding on my conscience.

ESTINA

SIGNATURE OF DEPONENT

2017-10-05

DATE

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[PARK ROAD CAS 200/07/2017 ]

I certify that on this 5<sup>th</sup> day of October 2017, the Deponent signed the affidavit in my presence and declared that she knows and understands its contents, that she has no objection to taking the prescribed oath and that she considers the oath to be binding on her conscience.

Dated at PARK ROAD (Place) on this 5<sup>th</sup> day of October 2017 at 14:22 (time)

*[Signature]*  
713126 LMO  
SABUYA

SIGNATURE OF COMMISSIONER OF OATHS

FULL NAMES : SABUYA YU

COMMISSIONER OF OATHS

DESIGNATION: EX OFFICIO : South African Police Service Member  
REPUBLIC OF SOUTH AFRICA

RANK : WARRANT OFFICER

FORCE NUMBER : 713126.6

ADDRESS : SA Police Service  
83 STEVE RILCO street

TEL : ARLADIA  
0714213293

*[Handwritten notes]*  
SABUYA  
LIT ASF

00001803

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the premier

Department of  
the Premier  
FREE STATE PROVINCE

**LEGALLY PRIVILEGED**

**OUR REF: LS/C/12/33**

**The CEO  
Provincial Treasury**

**Att: Ms A Founie**

**AGREEMENT BETWEEN DEPARTMENT OF AGRICULTURE AND ESTINA**

1. We refer to our consultation with you on 18 June 2012 with regard to the abovementioned agreement.
2. You requested us to peruse and advise on the contract which the Department of Agriculture has entered into with Estina..
3. It appears that the procurement process was not followed. The contract may be invalid due to a number of reasons.
4. We suggest that you propose to the Treasury Committee that the agreement and the procurement documents be sent to us for review.
5. For any further clarity please contact Adv Ditira.

*KCJL*

**ADV KJC DITIRA  
DDG: Legal Services  
19 June 2012**

*Legal Services*

*PO Box 2517, Bloemfontein, 9300*

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