

## ANNEXURE A: TIMELINE OF KEY CASES ASSOCIATED WITH ADV ANDREA JOHNSON

*An analysis of relevance, implications, prosecutorial performance indicators, and institutional consequences.*

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### 1. Overview

This annexure sets out a structured timeline of major cases, incidents, and prosecutorial decisions associated with Adv Andrea Johnson in her various leadership roles within the National Prosecuting Authority (NPA), including:

- Directorate of Special Operations (DSO/Scorpions)
- Specialised Commercial Crime structures
- Organised Crime Coordination
- Senior leadership within the NPA
- Investigating Directorate Against Corruption (IDAC)

The timeline identifies patterns of concern related to:

- prosecutorial rigor,
- case readiness,
- ethical risk,
- strategic judgment,
- governance failures,
- susceptibility to factional influence, and
- public-confidence erosion.

This timeline is designed to assist the Advisory Panel in understanding the systemic nature of the issues that inform Public Interest SA's conclusion that Adv Johnson is unsuitable for appointment as NDPP.



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## 2. Timeline of Key Cases and Incidents

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### 2.1. Early-to-Mid 2000s: DSO/Scorpions – Organised Crime Coordination

#### **Nature of Role:**

Senior State Advocate / Deputy Director in the Directorate of Special Operations (DSO).

#### **Relevant Observations:**

- Adv Johnson was positioned in leadership during a turbulent period marked by internal contestations regarding high-profile politically exposed persons (PEPs).
- Multiple critics and analysts have linked certain prosecutorial decisions from this era with political sensitivity rather than independent assessment.

#### **Implication for NDPP Suitability:**

Provides early evidence of proximity to politically contested prosecutorial environments.

### 2.2. Late 2000s – Richard Mdluli Saga (Crime Intelligence)

#### **Case Description:**

Charges against former Crime Intelligence head Lt Gen Richard Mdluli (fraud, corruption, abuse of safe-house funds).

#### **Johnson's Involvement:**

While not the lead prosecutor, she held a senior coordination role intersecting with these processes.

#### **Concerns Raised:**

- The prolonged delay and stop-start nature of the Mdluli prosecution reflected systemic weakness in prosecutorial leadership.
- The courts delivered strong criticism of the NPA's handling.

#### **Implication:**

Association with one of the NPA's most emblematic failures of independence and prosecutorial consistency.



### 2.3. 2013–2017: Estina / Vrede Dairy Farm Matter

#### **Case Description:**

High-profile State Capture case involving Gupta-linked dairy project in the Free State.

#### **Issues Identified:**

- Multiple prosecutorial missteps, including weak dockets, unprepared evidence, and poor inter-agency coordination.
- Public criticism from civil society, media, and legal observers.
- The case became emblematic of an NPA unable to withstand political pressure.

#### **Johnson's Connection:**

Involved in coordination structures handling corruption and organised crime matters.

#### **Implication:**

Part of a broader pattern of poor strategic direction and ineffective oversight in cases involving politically connected individuals.

### 2.4. 2018–2019: Nulane Investments Matter (With Links to Estina)

#### **Case Description:**

State Capture-related prosecution involving several Gupta-linked entities.

#### **Charges Withdrawn / Fatal Weaknesses:**

- Charges were ultimately withdrawn against most accused due to prosecutorial deficiencies.
- Courts criticised the quality and readiness of evidence.

#### **Johnson's Role:**

Senior coordinating figure within corruption-prosecution structures.

#### **Implication:**

Raises concerns about prosecutorial oversight and due diligence in high-impact corruption cases.



## 2.5. 2020–2023: IDAC Appointment and Expanded Powers

### **Role:**

Appointed Investigating Director at IDAC, mandated to lead State Capture prosecutions after the Zondo Commission.

### **Performance Indicators:**

- Low conviction rates.
- Instability and high turnover of senior staff.
- Reports of internal intimidation and poor morale.
- Collapse or stagnation of multiple State Capture cases.

### **Implication:**

Questions the ability to lead a national prosecutorial office where stability and strategic leadership are essential.

## 2.6. 2022–2023: Matshela Koko State Capture–Related Case

### **Case Description:**

Prosecution of former Eskom executive Matshela Koko on allegations linked to State Capture procurement abuses.

### **What Went Wrong:**

- Case was enrolled despite investigators warning it was not ready.
- Evidence chains were incomplete.
- Critical financial and forensic elements were outstanding.
- Defence successfully argued the State had no sustainable case.

### **Judicial Consequences:**

- Case struck off.
- Cost order implications.
- Judicial reprimands over readiness failures.

### **Implication:**

This represents the most glaring professional misjudgement under Johnson's leadership — a preventable collapse in a flagship corruption matter.



## 2.7. 2022–2023: SAPS HR Matter Pursued as a Criminal Case

### Case Description:

Criminal charges were pursued against a SAPS official in a matter that was factually and legally a disciplinary/HR issue.

### Issues Identified:

- No objective criminal elements present.
- Prosecutorial decision inconsistent with proportionality and basic case-screening standards.
- Widely interpreted as factional interference.

### Implication:

Demonstrates misuse of prosecutorial authority and serious concerns about independence.

## 2.8. 2022–2024: Cases Involving Senior SAPS Officers

### Background:

South Africa has witnessed internal conflict within SAPS, especially involving Crime Intelligence, detective services, and oversight units.

### Johnson's Involvement:

Her prosecutorial decisions intersected with factional environments where her husband, Mr Junaid Johnson, is alleged to be aligned to a faction engaged in targeting or undermining certain senior officers.

### Perception Challenges:

Regardless of factual accuracy, the optics are severe.

### Implication:

Raises significant conflict-of-interest, independence, and legitimacy risks for an NDPP candidate.

## 2.9. 2023–2024: IDAC's Failure to Deliver Post-Zondo Outcomes

### Issues:

- Few meaningful prosecutions.
- Cases repeatedly postponed due to incomplete evidence.
- Public frustration over lack of accountability.
- IDAC failing to meet expectations set at its creation.

**Implication:**

Suggests an inability to lead large-scale, high-stakes prosecutorial strategy — a core NDPP function.

**3. Cross-Cutting Themes Identified in Timeline**

Across these cases and incidents, several patterns emerge:

**3.1. Premature Enrollments**

Repeatedly involved in or responsible for cases taken to court before readiness, often collapsing.

**3.2. Weak Evidence Preparation**

Courts criticised poor dockets, missing evidence, and inadequate investigator–prosecutor integration.

**3.3. Leadership Instability**

IDAC saw major resignations and complaints of hostile internal culture.

**3.4. Ethical Lapses**

Non-recusal on spouse-related matters casts doubt on decision-making integrity.

**3.5. Factional Risk Exposure**

Multiple prosecutorial decisions coincide with internal SAPS conflicts.

**3.6. Public Confidence Erosion**

Failures in major corruption cases have significantly weakened faith in the NPA's prosecutorial capacity.

**4. Conclusion: Significance for NDPP Selection**

This timeline demonstrates that:

- The failures associated with Adv Johnson are not isolated incidents,
- but rather part of a consistent pattern of poor prosecutorial judgment,
- weak leadership capability,
- ethical lapses,
- and compromised independence.



These considerations are directly relevant to assessing her suitability for appointment as the NDPP — a role that demands unimpeachable integrity, proven competence, independence, and public trust.