

## EXECUTIVE SUMMARY

Public Interest SA submits this assessment of the suitability of Adv Andrea S. Johnson for appointment as the National Director of Public Prosecutions (NDPP). The submission evaluates her record against the constitutional, ethical, legislative, and governance standards governing the NDPP position.

After comprehensive analysis, Public Interest SA finds that Adv Johnson does not meet the requisite threshold of independence, ethical leadership, prosecutorial competence, and public-trustworthiness required of the NDPP.

Key concerns include:

- Failure to recuse herself from internal NPA processes involving her husband, Mr Junaid Johnson — a clear conflict of interest.
- Persistent allegations that her husband is aligned with a SAPS faction actively waging internal battles against certain senior officers, creating severe perception risks.
- Misuse of prosecutorial authority in pursuing a SAPS employment-related HR matter as a criminal prosecution — reinforcing perceptions of factional alignment.
- Premature, ill-prepared enrolment of the high-profile Matshela Koko State Capture-related prosecution, resulting in a humiliating collapse and financial loss for the State.
- Poor leadership performance at IDAC, including case delays, unstable staffing, and failed State Capture prosecutions.
- Associations with past NPA eras marked by compromised independence and poor prosecutorial decision-making.

In light of these factors, Public Interest SA recommends that Adv Andrea Johnson should not be appointed as NDPP.

---

## FULL SUBMISSION

### 1. Introduction

Public Interest SA welcomes the opportunity to contribute to the Advisory Panel's assessment of candidates for the position of National Director of Public Prosecutions



(NDPP). Our submission reflects the organisation's longstanding commitment to strengthening the rule of law, fostering good governance and ethical citizenship, promoting prosecutorial independence, and advancing accountability in the criminal justice system.

This submission evaluates the suitability of Adv Andrea Johnson, considering professional track record, ethical standards, prosecutorial competence, leadership integrity, and the constitutionally required independence of the NDPP.

## **2. Legal and Constitutional Framework**

### **2.1 Constitutional Imperatives**

Section 179(4) of the Constitution requires that the NDPP must exercise functions without fear, favour, or prejudice.

Section 195 emphasises professional ethics, accountability, impartiality, transparency, and good governance.

### **2.2 NPA Act Requirements**

The NDPP must be:

- a fit and proper person,
- of unimpeachable integrity,
- capable of independent judgement,
- and competent to lead complex national prosecutions.

### **2.3 Governance Standards**

King IV requires:

- ethical leadership,
- avoidance of conflicts of interest,
- transparent decision-making,
- independence of thought and action.

## **3. Methodology**

Public Interest SA's evaluation drew on:

- Parliamentary committee proceedings
- Judicial remarks and case outcomes
- Investigative reporting (News24, amaBhungane, DM, GroundUp)
- Internal NPA accounts and staff resignations
- Public commentary and expert analysis
- Zondo Commission findings



- Anti-corruption performance data

Assessment was based on:

- ethical leadership,
- independence,
- prosecutorial rigour,
- managerial competence,
- public confidence,
- conflict-of-interest standards.

#### **4. Professional Summary of Adv Andrea Johnson**

- Current: Investigating Director (IDAC)
- Former:
  - Senior Deputy Director of Public Prosecutions
  - Senior State Advocate & Deputy Director (DSO)
  - National Coordinator for Organised Crime
  - Acting Special Director
  - Member of NPA leadership during periods of instability and contested prosecutorial decisions

Her seniority means she bears both institutional accountability and leadership responsibility.

#### **5. Findings on Suitability**

##### **5.1 Ethical and Governance Failures**

###### **5.1.1 Failure to Recuse Herself in Matters Affecting Her Husband**

Adv Johnson participated in NPA processes affecting her husband in circumstances where there existed cause for her recusal due to a conflict of interest while employed within the now defunct Directorate of Special Operations.

This violates:

- NPA Code of Conduct
- Public Service Regulations
- King IV
- Basic principles of integrity and impartiality

This alone demonstrates ethical unfitness for the NDPP position.

##### **5.2 SAPS Factional Alignment Concerns**



### **5.2.1 Allegations Involving Her Husband**

Mr Junaid Johnson is accused of being part of a SAPS faction allegedly used to wage internal battles against certain senior officers.

Even if unproven, these allegations create:

- severe perception risks,
- credibility deficits,
- and risks of factional capture of the NDPP office.

Given her internal involvement in matters affecting him, the perception of alignment is unavoidable and damaging.

### **5.3 Misuse of Prosecutorial Powers in HR Matter**

#### **5.3.1 Bizarre Persistence in Criminally Prosecuting a Pure HR Issue**

Adv Johnson's decision to pursue criminal charges against a SAPS employee in what was plainly a labour-relations matter was:

- unusual,
- legally unjustifiable,
- inconsistent with prosecutorial norms,
- and widely interpreted as factional intervention.

Her conduct:

- weaponised criminal law,
- interfered in internal SAPS processes,
- violated prosecutorial proportionality and fairness,
- and reinforced perceptions of bias.

This is incompatible with the impartiality required of the NDPP.

### **5.4 Mismanagement of High-Profile Prosecutions**

#### **5.4.1 The Matshela Koko Collapse**

Adv Johnson oversaw the premature enrollment of a State Capture-related case involving former Eskom executive Matshela Koko:

- knowing the case was not ready,
- lacking complete evidence,
- forcing prosecutors to proceed prematurely,
- resulting in judicial criticism and case dismissal,
- costing taxpayers,
- embarrassing South Africa's anti-corruption credibility.

This episode reveals:

- poor prosecutorial judgment,



- weak strategic planning,
- inadequate evidence management,
- propensity for optics over substance,
- and profound institutional recklessness.

### 5.5 Broader Performance Issues at IDAC

Her tenure has been marked by:

- low conviction rates,
- resignations of senior prosecutors,
- internal instability,
- failed State Capture cases
- breakdowns in case coordination,
- failure to deliver accountability expected after the Zondo Commission.

### 5.6 Independence Concerns

Historical patterns point to:

- susceptibility to internal NPA factions,
- proximity to politically sensitive prosecutorial decisions,
- performance linked to eras marked by institutional compromise and political interference.

These concerns heighten the risk that she cannot provide the independence required of the NDPP.

## 6. Competency Evaluation Table

Requirement	Standard	Assessment	Evidence
Integrity	Unassailable	<b>Compromised</b>	Non-recusal; conflict of interest
Independence	Absolute	<b>Compromised</b>	Perceived SAPS faction alignment
Ethical Judgment	Highest	<b>Insufficient</b>	HR-matter prosecution
Prosecutorial Rigour	Strong	<b>Weak</b>	Koko collapse; failed State Capture matters
Leadership	Strong	<b>Inadequate</b>	IDAC instability, resignations
Public Confidence	Must enhance	<b>Damaged</b>	Widespread criticism, high-profile failures



## 7 Risk Assessment

Risk	Likelihood	Impact	Rating
Factional capture of NDPP office	High	Severe	Critical
Repeat collapse of major corruption cases	High	Severe	Critical
Loss of public confidence in NPA	Very High	Severe	Critical
Institutional instability	High	Major	High
International credibility damage (FATF, OECD)	Medium-High	Major	High
Weaponisation of prosecutions	Medium	Severe	High

## 8. Summary of Findings

The cumulative evidence establishes that Adv Andrea Johnson is **not suitable** for appointment as NDPP.

Her ethical lapses, prosecutorial misjudgements, proximity to factional dynamics within SAPS, and failures in leading high-profile prosecutions fundamentally disqualify her from leading the NPA at a time when the country urgently needs:

- strong,
- independent,
- trusted,
- competent,
- and ethically unassailable prosecutorial leadership.

## 9. Recommendation

Public Interest SA strongly recommends that Adv Andrea Johnson should not be appointed as the National Director of Public Prosecutions.

Her appointment would endanger:

- the independence of the NPA,
- the credibility of State Capture prosecutions,
- the integrity of interagency relations,



- and public confidence in the criminal justice system.



## 10. ANNEXURES (Structured Pack)

### **Annexure A: Timeline of Key Cases Associated With Johnson**

- Estina/Vrede chronology
- Koko case collapse
- SAPS HR-matter intervention
- Relevant court remarks

### **Annexure B: Conflict-of-Interest Violations**

- Summary of recusal standards
- Details of her involvement in processes affecting her husband
- Governance implications

### **Annexure C: SAPS Faction Allegation Summary**

- Overview of the allegations regarding Mr Junaid Johnson
- Relevance to NDPP independence
- Risk analysis

### **Annexure D: IDAC Performance Indicators**

- Case outcomes
- Staffing and resignations
- Conviction rates
- Major failures

### **Annexure E: Competency Alignment Table (Detailed)**

### **Annexure F: Risk Matrix (Expanded)**