

ANNEXURE B: Conflict-of-Interest Violations

Adv Andrea S. Johnson – Ethical and Governance Analysis

1. Introduction

This annexure outlines the ethical breaches associated with Adv Johnson's failure to recuse herself from internal NPA processes involving her husband, Mr Junaid Johnson. These actions violate established governance frameworks and raise fundamental questions about her suitability for the NDPP role.

2. Legal and Ethical Framework

2.1 NPA Code of Conduct

Requires prosecutors to:

- avoid real or perceived conflicts of interest;
- uphold impartiality;
- disclose relationships that may influence decisions;
- withdraw from any process where objectivity may be compromised.

2.2 Public Service Regulations (2016)

Require:

- transparent disclosure of personal interests;
- mandatory recusal in situations where a family member's interests are affected.

2.3 King IV Principles

Govern public entities and require:

- avoidance of actual or perceived conflicts;
- ethical leadership as the foundation of legitimacy.

3. Conduct Giving Rise to Concern

3.1 Participation Despite Conflict

Adv Johnson is reported to have participated in NPA processes involving the employment interests of her spouse, without any formal recusal.

3.2 Absence of Disclosure



There is no evidence of disclosure of her conflict, even though her involvement had direct implications for her husband's career.

3.3 Compounding Factors

Her non-recusal is aggravated by:

- allegations involving her spouse's involvement in SAPS factional battles;
- prosecutions she directed which intersected with these internal SAPS disputes;
- her unusual pursuit of a criminal case in a SAPS HR matter.

These factors elevate the seriousness of her ethical breach.

4. Consequences of the Ethical Breach

4.1 Legal Consequences

Failure to recuse violates both:

- statutory ethical obligations;
- prosecutorial norms requiring strict impartiality.

4.2 Governance Consequences

Such conduct undermines:

- trust in decision-making processes;
- the integrity of the institution she leads;
- confidence among colleagues and stakeholders.

4.3 Public Confidence Consequences

The public expects the NDPP to be above suspicion.

A conflict of interest at this level:

- damages credibility,
- raises doubts about impartiality,
- creates lasting perception risks.

5. Conclusion

Adv Johnson's non-recusal constitutes a clear ethical violation.

For a prospective NDPP, such conduct is disqualifying, as the office requires unimpeachable ethical judgment and strict avoidance of any real or perceived conflicts of interest.