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### **NUST researchers share findings on unwarranted pre-trial detentions**

On 16 January 2025, Namibia University of Science and Technology (NUST) researchers presented findings from a recently concluded study on unwarranted – and possibly unlawful – pre-trial detentions at police stations in Windhoek’s Wanaheda, Katutura, and Otjomuise. The meeting included members of the Namibian Police’s research desk as well as officials from the Office of the Prosecutor-General at the Windhoek Magistrate’s Court.

The study aimed to determine the occurrence of unlawful detention at the aforementioned police stations during the months of June, July and August 2024.

#### **Staggering numbers**

Based on a research project titled ‘Rethinking Pre-Trial Detention in Namibia’, which began in 2022, the study yielded various results addressing issues related to the topic. These include the human rights aspects of pre-trial detainees, criminogenic risks and needs of the incarcerated before or during trial, occupational stress experienced by police officers working in this context, and the attitudes and perceptions of prosecutors towards pre-trial detention.

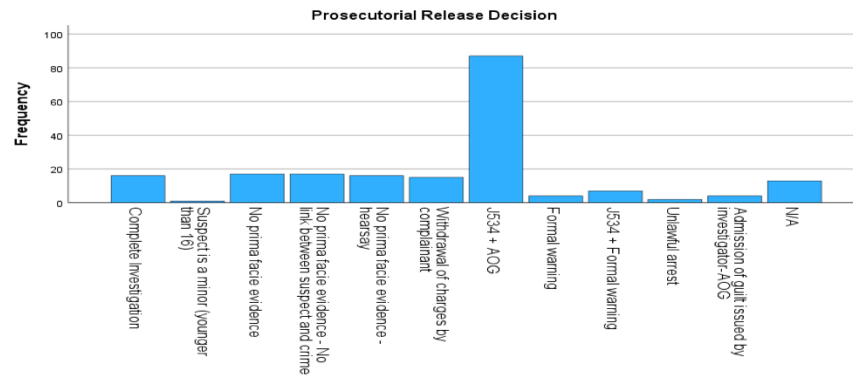
With this study, the researchers responded to the dire need for better comprehension of the reality that Namibia holds a staggering 185 out of every 100 000 members of the general population in pre-trial detention—a figure far exceeding the African average of 33.7 per 100 000 citizens.

The reporting was done by principal investigator Dr Stefan Schulz, Deputy Director in the Department of Social Sciences under the Faculty of Commerce, Human Sciences and Education, and five student research assistants.

#### **Lack of prima facie evidence**

The project data, collected from the prosecution over a period of three months (June to August 2024), revealed that a total of 199 police dockets from the aforementioned police stations were returned by the local prosecution office for the immediate release of the detained individuals.

Most frequent among the reasons for release were the prosecutors’ decisions not to prosecute for lack of prima facie evidence (initial evidence), i.e. the detained could not be linked to the alleged crime. This accounted for 25% of all cases, while the prosecutors’ directions to the police to issue an admission-of-guilt fine to the suspect accounted for 43.7% of all cases.



### Possible consequences

Following the study's conclusion, the implications of the findings were discussed in normative terms, and with regards to police training and practice. The biggest concern raised related to the finding that during the three-month period, close to 50 citizens had been detained after arrest - although they could not be linked to the crime recorded in the docket.

According to Dr Schulz, extrapolating this number from three months to a calendar year would bring the number to about 200 cases in Windhoek alone. "Besides the fact that each case represents an instance of human rights violation, any of those cases could give rise to civil liability of the state, with high financial costs bleeding government coffers," he added.

Attendees acknowledged the harrowing human rights impact of the findings, while underscoring the fact that what may be seen as a stain on the work of the police becomes much more complex when one looks at the systemic challenges facing the Namibian Police and the Namibian criminal justice system at large.

Overload and understaffing in the police force were highlighted as factors that directly inform the number of errors occurring, as well as the quality of investigations.

The attendees concluded with a pledge to further the discussion once a technical report, due in March 2025, is available.



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