



# Courts and Tribunals Judiciary

Rex

v

Hadush Geberslasie Kebatu

## Sentencing Remarks

District Judge (Magistrates' Courts) Williams

Chelmsford Magistrates' Court

***Reporting restrictions apply in this case and whilst victims are anonymised in this document, anyone who receives a copy of this document is responsible in law for making sure that applicable restrictions are not breached. A person who breaches a reporting restriction is liable to a fine and/or imprisonment. For guidance on whether reporting restrictions apply, and to what information, ask at the court office or take legal advice.***

1. Hadush Geberslasie Kebatu, you have been convicted of the following offences:
  - i. Attempted Sexual Assault on a Child aged 14
  - ii. Incite or Causing a Child aged 13 to 15 to Engage in Sexual Activity
  - iii. Sexual Assault on a Female (aged 14)
  - iv. Harassment without Violence
  - v. Sexual Assault on a Female
2. The court must now determine the appropriate sentence to impose for these offences.
3. Having presided over the trial I have a detailed understanding of the facts. I will not repeat them now. They are very well known by all involved.
4. I have carefully considered the pre-sentence report, and I am grateful to the Probation Service for the detailed report that has been prepared.

5. The report indicates that you were very reluctant to speak about the offending. It suggests that you raise a lack of English and mental health difficulties as reasons why you either cannot remember what happened or cannot talk about the offending. The probation officer did not consider that this was accurate and concluded that you were being manipulative.
6. I agree with that assessment. You repeatedly apologised during the probation interview. You repeatedly cried and said that you were ashamed. You also suggested that the United Kingdom was too strict. But you offered no explanation for any of this.
7. It is evident that your shame and remorse is not because of the offences that you have committed, but because of the impact they have had. You told the probation officer that you were aware of the unrest that your offending had caused. You acknowledged that other, law abiding, asylum seekers were impacted by the offending. However, in the same interview you seek to portray yourself as the victim and suggest that you have been made a scapegoat.
8. You show no remorse at all for your behaviour.
9. You chose not to talk about yourself, your circumstances or of your journey from Ethiopia to the United Kingdom. I had anticipated that there would be evidence of some traumatic life experiences, but your refusal to engage and open up to probation means that there remains little known about you.
10. I have no doubt that the author of the report is correct when they state that you could not have anticipated that your offending behaviour as an asylum seeker, housed at The Bell Hotel, would have caused such a response from the public, particularly in Epping, but also across the UK, resulting in mass demonstrations from a fear that children within the UK are not safe

### **Sentencing Objectives**

11. The court **must** take into account the sentencing objectives determined by s.57 of the Sentencing Act 2020. Those objectives are:
  - a. To punish the offender
  - b. To reduce crime
  - c. To reform and rehabilitate offenders
  - d. To protect the public
  - e. To make the offender give something back by way of reparation

12. The pre-sentence report concludes that you showed no intention of addressing your behaviour and that you were not perceived to have been honest during the interview. Reform and rehabilitation are not at the forefront of my mind during this sentencing exercise. Punishment and the protection of the public are the key sentencing objectives in your case.

### **Sentencing Guidelines**

13. In addition to the five purposes of sentencing, I **must** also follow the sentencing guidelines that are issued by the Sentencing Council. Each guideline sets out the factors that I must consider in order to work out the appropriate sentence.

### **Offences on 7<sup>th</sup> July 2025.**

14. On the 7<sup>th</sup> July you approached V1, a 14 year old girl and her friends. You told V1 and her friend that they were pretty, that you wanted to have babies with them and you invited them back to the Bell Hotel. You followed them around the Epping area. When you encountered them again you made inappropriate remarks. You offered V1, and her friends, some alcohol. None of them took this from you. You attempted to kiss V1 and she moved her head away to prevent you doing so.

15. There is a [Sentencing Council Guideline for Sexual Assault](#). The guideline requires an assessment first of the harm caused. There are three categories:

#### **Category 1**

Severe psychological or physical harm

Abduction

Violence or threats of violence

Forced/uninvited entry into victim's home

#### **Category 2**

Touching of naked genitalia or naked breasts

Prolonged detention/sustained incident

Additional degradation/humiliation

Victim is particularly vulnerable due to personal circumstances

#### **Category 3**

Factor(s) in categories 1 and 2 not present

16. This is not a category 1 case. There was no abduction, violence or forced entry. V1 on her own evidence did not suffer severe psychological or physical harm.

The issue is whether it falls within category 2 on the basis that the “victim is particularly vulnerable due to personal circumstances”.

**17.** This is not defined in the guideline. It is clear from the case law (*R v Begley [2018] EWCA Crim 336*) that age alone will not amount to vulnerability, but rather the court must consider the circumstances of the victim. V1 was with her friends at the time the offences occurred. On the 7<sup>th</sup> July her evidence was that it was just weird, and she shrugged off the attempted kiss. I do not consider that she was particularly vulnerable. She was with her friends and in an open public space. I do factor in her age, but that is matter that I consider to be an aggravating feature – it does make the offending more serious there can be no doubt about that.

**18.** Harm is category 3.

**19.** The next step is to consider culpability. The guideline provides for either Culpability A or Culpability B.

#### **Culpability A**

Significant degree of planning

Offender acts together with others to commit the offence

Use of alcohol/drugs on victim to facilitate the offence

Abuse of trust

Previous violence against victim

Offence committed in course of burglary

Recording of offence

Commercial exploitation and/or motivation

Offence racially or religiously aggravated

Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation) or transgender identity (or presumed transgender identity)

Offence motivated by, or demonstrating, hostility to the victim based on his or her disability (or presumed disability)

#### **Culpability B**

Factor(s) in category A not present

**20.** My assessment is that none of the Culpability A factors are present. I do not consider that there was any planning in the offending. Certainly, none that could be described as significant. You may well have made your mind up after the first encounter that day that you would attempt to kiss V1 and the second encounter

may well have been engineered by you, because you had followed the children, but I do not take that to amount to planning.

**21.** The prosecution have suggested that “use of alcohol/drugs on victim to facilitate the offence” applies in this case. I am satisfied that Mr Kebatu offered V1, and some of the others present, his can of beer. V1 did not take this from him and no alcohol was consumed by her. It is difficult to conclude that this factor applies when the alcohol was only offered to the victim and it only appears to have been offered once. Mr Kebatu did not, for example, continue to offer alcohol even after it had been refused. Again, my assessment is that it aggravates the offending, not least because it shows Mr Kebatu’s continued disregard for V1’s age.

**22.** I assess the culpability to be Culpability B

**23.** Culpability B and Harm Category 3 has a starting point of a High Level Community Order. A sentence range of a Medium Level Community Order up to 26 weeks custody.

**24.** I must also factor in that this was an attempted sexual assault, and that any sentence for an attempt should not be as severe as the sentence for the completed offence.

**25.** The aggravating factors (factors which make the offending more serious) that I identify are (i) the age of V1 – you knew full well that she was only 14 years of age, not only had she told you, but also her friends were in their school uniforms and (ii) that you offered her alcohol.

**26.** The mitigating factor (which makes the offending less serious) that I identify is your lack of any previous convictions. I acknowledge that you are experiencing mental health difficulties, however as the report makes clear this is not linked to the offending.

**27.** Taking all of this into consideration I am satisfied that the offence was so serious that neither a fine alone nor a community sentence would be appropriate. In short, a custodial sentence is justified.

### **Offences on 8<sup>th</sup> July 2025**

**28.** The Sexual Offences committed by you on the 8<sup>th</sup> July are – Sexual Assault of V1, Inciting V1 to Engage in Sexual Activity and Sexual Assault of V2.

- 29.** Dealing with the offences relating to V1 first, I conclude that the Sexual Assault on 8<sup>th</sup> July was the most serious of the offences committed by you. Of course, the offending on the 7<sup>th</sup> July was an attempt, whereas on the 8<sup>th</sup> July you made contact with V1, touching her thigh when you sat next to her on a bench and as you made inappropriate comments to her.
- 30.** Again, with reference to the Sentencing Council Guideline I place this offence is Harm Category 3 and Culpability B. The starting point of a High-Level Community Order with a range of a Medium Level Community Order to 26 weeks custody applies.
- 31.** Again, the offending is aggravated by the fact of V1's age –on this occasion she was wearing her school uniform. I also consider it to be aggravated by the fact that this occurred the day after you had attempted to kiss V1. It must have been abundantly clear to you that your behaviour was unwanted the previous day, but that did not stop you seeking out and approaching the children again. No doubt you were emboldened by the fact that there had been no consequence of your previous behaviour.
- 32.** In terms of mitigation your lack of previous convictions is again relevant.
- 33.** I am satisfied that the offence was so serious that neither a fine alone nor a community sentence can be justified.
- 34.** Turning to the offence of Causing or Inciting a Child to Engage in Sexual Activity, on 8<sup>th</sup> July 2025, having approached V1 and her friends and continuing with your inappropriate behaviour, you asked V1 to kiss W1. Of course, she had told you that he was her boyfriend in an attempt to dissuade you from pestering her. She thought that if she kissed W1 you might get the point and leave her alone. It did not have that effect. It had very much the opposite effect. You became visibly aroused at this stage and it must have been disgusting and sickening for V1 to have realised what had occurred.
- 35.** Her Victim Personal Statement outlines the impact this offending has had on her. The offending will have a long lasting effect on her.
- 36.** The offence, contrary to s.10 Sexual Offences Act 2003, is a very serious one. The maximum sentence that may be imposed is 14 years imprisonment. I refer to the Sentencing Council Guideline - [Sexual activity with a child/ Causing or inciting a child to engage in sexual activity](#).

**37.** The guideline suggests three Harm Categories:

Category 1

Penetration of vagina or anus (using body or object)

Penile penetration of mouth

In either case by, or of, the victim

Category 2

Touching, or exposure, of naked genitalia or naked breasts by, or of, the victim

Category 3

Other sexual activity

**38.** As can be seen the offence covers a wide range of sexual activities. Causing a child to kiss another child no doubt falls into Category 3. Category 3 itself would apply to a range of sexual activities which captures anything below touching or exposure of naked genitalia or breasts.

**39.** Turning to the Culpability the guideline provides for two categories:

Culpability A

Significant degree of planning

Offender acts together with others to commit the offence

Use of alcohol/drugs on victim to facilitate the offence

Grooming behaviour used against victim

Abuse of trust

Use of threats (including blackmail)

Sexual images of victim recorded, retained, solicited or shared

Specific targeting of a particularly vulnerable child

Offender lied about age

Significant disparity in age

Commercial exploitation and/or motivation

Offence racially or religiously aggravated

Offence motivated by, or demonstrating, hostility to the victim based on his or her sexual orientation (or presumed sexual orientation) or transgender identity (or presumed transgender identity)

Offence motivated by, or demonstrating, hostility to the victim based on his or her disability (or presumed disability)

Culpability B

Factor(s) in category A not present

- 40.** There was in this case a significant disparity in age. V1 was only 14. You were, at least, 38 years old. I place this in Culpability A.
- 41.** The starting point is 26 weeks custody with a range of High-Level Community Order to 3 years custody.
- 42.** There are no aggravating factors that I identify, having already taken into account V1's age for the purposes of culpability.
- 43.** In terms of mitigation again account is taken of the lack of any previous convictions.
- 44.** As with the other sexual offences I am satisfied that the offence was so serious that neither a fine alone nor a community sentence can be justified.
- 45.** Turning to the Sexual Assault on V2, you had approached and spoken to V2. You asked her for advice on getting a job and drafting a CV. It is hard to understand why you then placed your hand on her thigh whilst you told her that she was pretty. I accepted her evidence that she gave you no reason to believe that she would want you to do so.
- 46.** It isn't that you misread the situation, you simply acted ignorantly and repulsively. The fact that you tried to suggest that she was the one who was acting inappropriately towards you is just as appalling and really highlights the poor regard you must have for women.
- 47.** It turned out that behaving as you did towards V2 ultimately led to your offending coming to light. V2 was a confident woman and one who stood up for herself and those more than vulnerable than her. She is to be commended, in my view, for how she handled your behaviour and for the steps that she took once she realised you were also behaving inappropriately towards V1.
- 48.** The apologies that you offered to her, just like the apologies in the probation interview, were not demonstrations of remorse, but you feeling sorry for yourself, knowing that you were well and truly caught.
- 49.** In terms of harm, I place this offence in Category 3. Culpability B is the appropriate category.



50. The starting point for sentence is a High-Level Community Order with a range of a Medium Level Community Order to 26 weeks custody.
51. There are no aggravating factors that I identify.
52. As before, your lack of previous convictions is a mitigating factor.
53. Although this is in my assessment the least serious of the sexual offences, because it does not, like the other offences, involve offending against a 14-year-old. I am still satisfied that combined with other offences this is also so serious that neither a fine nor community sentence can be justified. It forms part of a pattern of inappropriate behaviour towards women and children.
54. You also fall to be sentenced for the harassment of V1. Very little needs to be said about this offence. It covers you approaching and following V1 over the course of the 7<sup>th</sup> and 8<sup>th</sup> July.
55. I place this in Category B2 in the [Harassment/ Stalking/ Racially or religiously aggravated harassment/stalking guideline](#).
56. The starting point is a Medium Level Community Order. It is aggravated by the fact that V1 was only 14 years old.
57. This offence is not one that crosses the threshold for the imposition of a custodial sentence. It is the least serious of the offences before the court, and much of the behaviour it deals with is part and parcel of other offences.

## **Totality**

58. In addition to offence specific guidelines I also have regard to the [Sentencing Council's guideline on Totality](#).
59. The guideline states that when sentencing for more than one offence, the overriding principle of totality is that the overall sentence should reflect all of the offending behaviour with reference to overall harm and culpability, together with the aggravating and mitigating factors relating to the offences and those personal to the offender; and be just and proportionate.
60. Sentences can be structured as concurrent (to be served at the same time) or consecutive (to be served one after the other).

## **Custodial Sentences**

**61.** I have already identified that the Sexual Offences have crossed the threshold for the imposition of custodial sentences.

**62.** The [Sentencing Council Guideline Imposition of community and custodial sentences](#) directs the court to consider the following three questions:

- a. Is it unavoidable that a custodial sentence be imposed?
- b. What is the shortest term commensurate with the seriousness of the offence?
- c. Can the sentence be suspended?

**63.** For the Attempted Sexual Assault on V1 on 7<sup>th</sup> July 2025 I am satisfied that a custodial sentence is unavoidable. You attempted to kiss a 14 year old child after making sexually inappropriate comments to her and her friends, following her around Epping and offering her some beer.

**64.** The shortest term commensurate with the seriousness the offence within the sentencing range identified is 4 months imprisonment. That is the sentence that I impose.

**65.** For the Sexual Assault and Causing a Child to Engage in Sexual Activity I am satisfied that a custodial sentence is unavoidable. I take into account totality, and conclude that the two offences were part of the same incident. Repeated sexually inappropriate comments were made to V1 which again included request to come to his hotel to “make babies”. You caused V1 to kiss another child present which caused you to be sexually aroused. You then sat next to V1 and put your hand on her thigh, over her school skirt, and told her that she was pretty.

**66.** The shortest term commensurate with the seriousness of the offences is 8 months imprisonment on each charge, to run concurrently to each other but consecutive to the 4 month sentence imposed for the attempted Sexual Assault.

**67.** For the Sexual Assault on V2 I am satisfied that the offence, combined with other offences is so serious that neither a fine nor community sentence can be justified. This offence on its own is not as serious as the other sexual offences, however the fact that it occurs in between the sexual offences regarding V1, persuade me that a custodial sentence is appropriate and unavoidable.

- 68.** The shortest term commensurate with the seriousness of the offence is 2 months custody.
- 69.** This will be concurrent to the other offences. It is of lesser seriousness than the other sexual offences, and consistent with her evidence, V2's concern was not for what you did to her, but what you did to V1.
- 70.** I repeat again that V2 should be commended for how she stood up for, and protected, those that were more vulnerable than her.
- 71.** For the harassment charge this will be recorded as No Separate Penalty. This offence, even when combined with other offences, is not so serious that a custodial sentence should be imposed. In any event the offending behaviour within that offence, which deals with you following and approaching V1 over the 2 days, is reflected in the sentences imposed for other offences.
- 72.** The total sentence is one of 12 months imprisonment. Having been found guilty there will be no credit for a guilty plea available to you.

### **Immediate or Suspended**

- 73.** It is my duty to consider whether the sentence of imprisonment can be suspended or whether it should be served immediately. It is well established that short prison sentences have little rehabilitative effect. Suspended sentences, like Community Orders can often be more punitive but can equally address offending behaviour and repeat re-offending.
- 74.** I acknowledge that you have no previous convictions. There is little more that can be said on your behalf. I do not consider that you have any strong personal mitigation and you have no dependants to be taken into consideration.
- 75.** The pre-sentence report makes clear that you have been suffering with your mental health since being in custody. You have attempted on at least one occasion to take your own life. A custodial sentence will no doubt add to your poor emotional well-being.
- 76.** As I indicated at the outset there is no realistic prospect of rehabilitation. The probation report outlines that you have no intention of addressing your behaviour, not least because you simply will not acknowledge it. The report also

outlines your poor behaviour in custody and concludes that overall, it was not possible to rule out you committing a serious further offence of a sexual nature. You pose a significant risk of re-offending.

- 77.** The probation service ultimately offer no alternative, because of your failure to honestly engage with the probation officer. You pose a risk of harm that cannot be addressed or managed in the community.
- 78.** A deterrent sentence and one that protects the public from further offending by you must be immediate custody.
- 79.** This is a sentence that will be served immediately. I will not suspend the sentence. Accordingly, you will now start to serve that 12 month sentence.
- 80.** The time that you have spent in custody will be credited towards this sentence. You will also be subject to an early release regime. The earliest date of your release will be calculated and you will be notified of this.
- 81.** As previously indicated, you are subject to notification requirements in accordance with Sexual Offences Act 2003 – “sex offenders register”. You will remain subject to the requirements for a period of 10 years.
- 82.** You are ordered to pay prosecution costs in the sum of £650. You will be liable for a mandatory surcharge in the sum of £187. To be paid within 56 days of your release from custody. I make a Collection Order to ensure the money is paid. If it is not you could be returned to custody.
- 83.** Finally, the prosecution have sought a Sexual Harm Prevention Order. I am satisfied that you pose a risk of sexual harm to female adults and children. For the reasons already outlined, the information before me is clear. There is a significant risk of you committing a further sexual offence and the lack of any explanation for your behaviour suggests not only that you pose a risk, but that your behaviour is unpredictable.
- 84.** The order is necessary to protect members of the public, women and children, from sexual harm by you.
- 85.** I make a Sexual Harm Prevention Order for a period of 5 years. The prohibitions and requirements that I impose are an effective response to the risk and entirely proportionate.

**86. You are prohibited from:**

- i. Approaching any lone female not previously associated with him on any public highway, common land, waste land, parkland or playing/recreational field, other than inadvertently and not reasonably avoidable in the course of ordinary daily life.
- ii. Must not follow, harass or intimidate any female in any place to which the public have access to. This condition does not include following a female which is inadvertent and not reasonably avoidable in the course of lawful daily life.
- iii. Having any contact / communication of any kind, with any child, under the age of 18 years, or to seek to be in their company, other than:
  - a. Such as is inadvertent and not reasonably avoidable in the course of normal daily life, or;
  - b. With the consent of the child's parent or guardian or other person accompanying the person under 18 who is over 18. Parent / guardian or person over 18 must have full knowledge of (his sexual offending history OR this order) and with the prior approval of Social Services for the area in which the child resides and with knowledge of his Monitoring Officer.

**87. You are required to:**

- i. Allow a police officer or designated monitoring officer appointed by the Chief Constable for the area where he resides unhindered access to his registered address(es) or any address he is residing therein, upon request, to confirm that he is complying with the conditions of this order.
- ii. In addition to these prohibitions the defendant must provide his monitoring officer with a list of devices in his possession and control that are capable of accessing the internet and/or storing digital images/videos within 48 hours of his release from custody and thereafter within 48 hours of coming into possession of such a device.

**88.** Whilst the purpose of the order is to protect the public, any breaches of this order are a criminal offence and would likely see you returned to custody. You will be provided with a copy of the order.

**89.** Go down with the dock officers please.

**District Judge (Magistrates' Courts) Williams**

**Chelmsford Magistrates' Court**

**24<sup>th</sup> September 2025**