



# Courts and Tribunals Judiciary

Rex

v

Hadush Geberslasie Kebatu

Verdict

Chelmsford Magistrates' Court

4<sup>th</sup> September 2025

*This a written version of the verdict announced in court which is made available publicly to assist with accurate reporting of the proceedings. Reporting restrictions apply in this case and whilst the witnesses and 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. The defendant, Mr Kebatu, faces 5 allegations. They are:**

Attempt sexual assault on a child aged 14

*On 7<sup>th</sup> July 2025 at Epping intentionally attempted to touch V1 aged 14 and that touching would have been sexual she would not have consented and you did not reasonably believe that she would have consented.*

Incite V1 13 to 15 to engage in sexual activity

*On 8<sup>th</sup> July 2025 at Epping in the County of Essex, intentionally attempted to cause or incite V1 aged 14 not reasonably believing she was aged 16 or over, to engage in sexual activity -namely kiss another child present at the location.*

Sexual assault on a female (aged 14)

*On 8<sup>th</sup> July 2025 at Epping in the County of Essex intentionally touched V1 aged 14 and that touching was sexual when she did not consent and you did not reasonably believe that she was consenting*

Harassment without violence

*Between 6<sup>th</sup> July 2025 and 9<sup>th</sup> July 2025 at Epping in the County of Essex pursued a course of conduct which amounted to the harassment of V1 and which you knew or ought to have known amounted to the harassment of her in that on 7<sup>th</sup> July 2025 and 8<sup>th</sup> July 2025 approaching her in EPPING HIGH STREET which was unwanted by her.*

Sexual assault on a female

*On 8<sup>th</sup> July 2025 at Epping in the County of Essex intentionally touched V1 aged 16 or over and that touching was sexual when she did not consent and you did not reasonably believe that she was consenting*

2. **The prosecution case** is that on the 7th July 2025 Mr Kebatu approached V1 and her friends. They had told him that they were aged 14, however he proceeded to tell them that they were pretty, that he wanted to have babies with them and he invited them back to the Bell Hotel where he was staying. He followed the group of children around Epping, and at one point the he tried to get the children to drink alcohol and he attempted to kiss V1.
3. On the 8th July 2025 Mr Kebatu saw the group of children again. He approached them and repeated the behaviour from the previous day. He encouraged V1 to kiss W1 and when she did so he was seen to have an erection. He then approached V2 and engaged in a conversation with her about CVs and jobs. The defendant put his hand on her thigh and told her that she was pretty. V2 went into a nearby shop to provide the defendant with her number. Whilst she did so Mr Kebatu approached V1 again and put his hand on her thigh.
4. **The defence case** is that Mr Kebatu did not approach V1 and her friends. He saw them and said hello and that was the extent of his interactions with them. He did not eat pizza with them, he did not make any inappropriate comments, he did not follow them, he did not attempt to kiss V1 on either occasion and he did not touch her at any point.
5. Mr Kebatu states that V2 has fabricated the allegations. She approached him and was drunk. She gave him her number because she thought he was handsome and she wanted to him to come back to her house. She threatened Mr Kebatu and told him if he did not come to her house she would tell the police he had been inappropriately touching children.
6. **The issues for trial are** whether Mr Kebatu touched, or attempted to touch, V1 on either occasion, whether any touching was sexual and whether he incited her

to kiss another child. The issue in respect of the harassment is whether Mr Kebatu's behaviour – the repeated sexual remarks, approaching her and following her amounted to harassment.

7. The issue in respect of V2 is whether any sexual assault took place.

### **Burden of Proof**

8. It is for the prosecution to prove that the defendant is guilty. To do this, the prosecution must make the court sure that Mr Kebatu is guilty of each offence.
9. It follows that defence does not have to prove that Mr Kebatu is not guilty. This is so even though the defendant has given evidence.

### **Elements of the Offences**

10. The elements of the offences that must be proven by the prosecution in regards to V1 are:

#### Inciting a Child to Engage in Sexual Activity

- i. Whether Mr Kebatu incited V1 to engage in an activity,
- ii. That was sexual, AND
- iii. Mr Kebatu did not reasonably believe that V1 was 16 or over.

#### Sexual Assault

- i. Whether Mr Kebatu intentionally touched V1,
- ii. The touching was sexual
- iii. V1 did not consent to that touching, AND
- iv. Mr Kebatu did not reasonably believe that V1 consented to the touching

#### Harassment

- i. Whether D pursued a course of conduct (on at least 2 occasions)
- ii. Which amounted to the harassment of V1
- iii. Which D knew or ought to have known amounted to the harassment of V1

11. In regard to V2 the elements that must be proven are:

#### Sexual Assault

- i. Whether Mr Kebatu intentionally touched V2
- ii. The touching was sexual
- iii. V2 did not consent to that touching , AND
- iv. Mr Kebatu did not reasonably believe that V2 consented to the touching

12. Whether touching or an activity is sexual or not is to be determined by considering whether a reasonable person would consider that either (a) whatever the circumstances or the persons purpose in relation to it, it is because of its nature sexual or (b) because of its nature it may be sexual and because of the circumstances or the purpose of it, it is sexual.

13. In this particular case the definition of “sexual” causes little difficulty. Given the stark contrast between prosecution and defence cases, it is evident that if the incidents did occur as the witnesses allege, and in the context that they describe, then there can be little doubt that the touching was indeed sexual.

### **Good Character**

14. The prosecution have helpfully put evidence before the court to assist in determining whether Mr Kebatu has any previous convictions or cautions in any of the countries he may have passed through on his way to the UK. It is accepted by both sides that the relevant authorities have no record of any matters.

15. I accept that it would not be misleading to treat Mr Kebatu as being of good character in the circumstances.

16. Good character is not a defence to the charge. However, evidence of good character counts in Mr Kebatu’s favour in two ways: (i) it supports his credibility and so he should be considered more likely to be telling the truth, and (ii) it may mean that he is less likely to have committed the offence

### **Evidence**

#### **V1**

17. I will not repeat V1’s evidence in detail. Her evidence in chief was given via a pre-recorded video interview with the police. Within the video she set out what had occurred on the two dates.

18. Her evidence is mirrored in the 4 charges that relate to her.

19. The court also saw the video clip of V1's first interaction with the police when they attended on 8<sup>th</sup> July 2025.
20. There were some aspects of V1's evidence that supported her credibility. The fact that when talking to the attending officer V1 relayed the information about Mr Kebatu having arrived in the UK 5 days ago and that he was staying in the Bell Hotel supported her evidence that this was told to her by Mr Kebatu, rather than being information she had discovered subsequently. Given that defendant's case is that he did not speak to her, it is difficult to see how she could have known this information at the time.
21. When describing how she put her hair over her face to "block" out Mr Kebatu, she repeatedly described and did the same action. She did the same when she first spoke to a police officer on 8th July. Her descriptions of what happened, and what was said were, in my assessment, consistent throughout her evidence.
22. Even in cross-examination she maintained the accounts that she had given. She was consistent in her evidence.

## **W1**

23. In his evidence in chief, referring to the 7<sup>th</sup> July, he explained that Mr Kebatu ate some pizza with the children and called V1 and another child pretty, he mentioned taking them to the hotel to make babies. He recalled that at one point after V1 had refused to let the defendant kiss her, he tapped his own cheek as if for her to kiss him.
24. Regarding the 8<sup>th</sup> July he explained how Mr Kebatu appeared to get nervous at one stage when one of their friends was on the phone. He described how it appeared that the defendant did not want to be filmed. He also gave an account of Mr Kebatu asking V1 to kiss him – that is W1 – which she did. He thought this was weird. He also saw Mr Kebatu stroke V1's hair. He did not see Mr Kebatu get an erection at the time, although he knew that others did see this.
25. In cross examination he confirmed his account was true.
26. W1 gave an account that was mostly consistent with V1's evidence and corroborated the account she had given about things that had been said and done by Mr Kebatu.

## W2

27. He described the first interaction with Mr Kebatu in which he ate pizza with the children and said his name was Thomas. He gave an account of Mr Kebatu staring at them and following them after they left to go to the shop. He saw Mr Kebatu outside the shop, he saw him again when they walked near the petrol station.
28. He thought that Mr Kebatu seemed interested in the girls and his account was that Mr Kebatu asked V1 to come back to Africa and that she would make a good wife. He said that V1 was in her normal clothes, but their other female friend present was in her school uniform. He explained that Mr Kebatu was asking the girls for a kiss and he asked V1 to kiss him on the cheek. He also suggested that "Thomas" told him he had paid around £2,000 to arrive in the UK on a rubber dinghy.
29. On the 8<sup>th</sup> July he said that the children were walking back from school when they saw Mr Kebatu on the bench again. Mr Kebatu asked V1 to sit next to him, which she did. He wasn't sure why. His assessment was that Mr Kebatu should be avoided. At one stage he was stood away from the group on a facetime call. He stated that Mr Kebatu became angry and asked if he was recording. He felt that Mr Kebatu did not want anyone to record him.
30. He saw Mr Kebatu sat at the bench talking to V2. He saw Mr Kebatu put his hand on her leg at one point.
31. W2 appeared to be, both on his video and during his evidence, the more nervous of the witnesses. He also appeared to be the most measured, and perhaps the one who was most cautious of what was going on when the children interacted with Mr Kebatu. He repeated throughout his account that he was wary of Mr Kebatu and did not trust him.
32. In cross examination he accepted that he did not see everything that was alleged on 8<sup>th</sup> July.
33. In my view there cannot be any sustainable suggestion that he has fabricated his account. He was the one that was the most suspicious of Mr Kebatu and tried to keep his distance. That explains why his own account is that he did not see the alleged assaults on V1. It seems to me that this makes his account about the other matters, which is entirely consistent with other witnesses, to be more credible.

## V2

34. She first spoke to Mr Kebatu when he called her over to chat to him. He was sat on a bench near Dominoes Pizza. It was apparent to her that English was not his first language. They could understand each other; she just spoke in simple language.
35. Mr Kebatu told her his name was Thomas. He told her that he was new to the area and was staying at the Bell Hotel.
36. She was wearing black shorts. She described how during the conversation he put his hand on her left thigh. He was touching both her skin and the shorts. He said that she was “pretty, very pretty.”
37. She told Mr Kebatu that she did not like to be touched. He then moved his hand and moved himself away from her.
38. She was asked why thereafter she carried discussing CVs and jobs with Mr Kebatu. She stated that he was trying to flirt, she had put a boundary in place by telling him no and she was not concerned that he would cross the boundary.
39. She went into the fish and chip shop and when she came out she saw that Mr Kebatu was sat with V1 and that V1 was standing up and moving his hand away. She spoke to the two of them – Mr Kebatu suggested to her that V1 had been flirting with him and V1 explained to her what happened.
40. She challenged Mr Kebatu who ran away. She contacted the police. The content of her 999 call was played to the court. She followed Mr Kebatu who she described as shocked and worried. He was apologising to her and trying to convince her not to call the police.
41. She accepted that she had drunk a glass of rosè wine earlier that day and that she had two bottles in her bag. She denied being intoxicated. She denied that she had simply got the wrong idea and jumped to conclusions in respect of what she saw between Mr Kebatu and V1.
42. She denied that she was angry about asylum seekers. She denied that she was making up her evidence because of this. She denied that she had not seen everything that happened and she denied that was simply stirring up the situation.

43. V2 was in my assessment a consistent witness. The account she gave in her evidence in chief was similar to the account she relayed to the 999 call handler – albeit she was clearly frustrated and emotional when she made that phone call.
44. She did say in that call that he asked her for directions initially, which would have been inconsistent with her evidence, but later in the phone call she explained that he was asking for help with a CV, and that she wanted to help
45. Although it cannot be heard on the 999 audio – she makes some replies to him that suggest he is apologising. Again, this would be consistent with the account she gave.
46. In equal measure someone has recorded on a mobile phone part of her interaction with Mr Kebatu when she is on the phone. He is on his knees – which again corroborates her evidence.
47. It is of some significance that it was not suggested to her in cross-examination that she had made up her allegations – both what she suggests Mr Kebatu said and did to her, but also what she says she saw with V1- because Mr Kebatu had refused to come back to her property.

## **Admissions**

48. On 8th July 2025, DC Jackson took swabs from V1 school skirt. It was forensically examined. Due to the complexity of DNA results obtained, no DNA attributable to the defendant was detected from the skirt swabs.
49. PC Rowden took hand swabs from the defendant on 8th July 2025 after he had been arrested. No DNA attributable to V1 was detected.
50. On 9<sup>th</sup> July 2025 Mr Kebatu was interviewed by the police. He provided a prepared statement and then largely answered no comment to all questions. He gave some answers which I will refer to in due course.
51. The prepared statement read as follows:

THE CLIENT DENIES ALL THE ALLEGATIONS THAT HE HAS BEEN ARRESTED FOR TODAY. THE CLIENT WAS AT THE LOCATIONS THAT EACH OF THESE ALLEGED INCIDENTS TOOK PLACE BUT DID NOT COMMIT THE OFFENCES ALLEGED. HE IS A MAN OF GOOD CHARACTER AND WOULD NOT COMMIT SUCH AN OFFENCE.

HE WILL NOT BE ANSWERING ANY FURTHER QUESTIONS AT THIS TIME, AND WILL BE ANSWERING "NO COMMENT" TO ALL QUESTIONS.

### **Mr Kebatu**

52. Mr Kebatu gave a brief account of his background. He had worked as a teacher in Ethiopia before he travelled to the UK as an asylum seeker. He had been placed in the Bell Hotel.
53. On the 7<sup>th</sup> July he saw V1 and her friends. He said "Hi" to them and they said "Hi" back. He denied that there was any further interaction. He denied that he had followed the children around Epping.
54. On 8<sup>th</sup> July he did not speak to the children at all. At no point did he sit with them and at no point did he touch V1's hair or her leg. He referenced the lack of any DNA evidence to support the allegation against him.
55. He stated that V2 approached him and told him that he was handsome. He described her as being "hot", which he later explained meant that she was angry. She was drunk. She asked him to come back to her house. He refused her offer because he did not want anything to jeopardise his asylum claim.
56. V2 went into the fish and chip shop and forced him to take the number she had written down. She again told him to come back to her house otherwise she would tell the police that he had been talking to the children. She then began swearing at him.
57. He pleaded with her that he was not a criminal. He said sorry because she was drunk and agitated and he wanted to calm the situation. In cross examination he denied that he was apologising because he had been caught.

### **Conclusion**

58. There is clear and consistent evidence that Mr Kebatu interacted with the children on 7<sup>th</sup> July 2025. In addition, the CCTV footage placed him in the area at the time alleged. Whilst Mr Kebatu's account was that he only said "hi", every single child witness gave the same account about Mr Kebatu approaching them, asking for pizza, eating pizza and talking to them.
59. Whilst there may be some inconsistencies as to where each interaction takes place thereafter, again all three witnesses gave a consistent account about things said by Mr Kebatu – including calling V1 pretty, making comments about

having babies and asking her to come to the Bell Hotel. All three of the children gave evidence that the defendant knew V1 was aged 14.

60. Each one of the witnesses gave evidence that they heard Mr Kebatu explain that he had arrived in the UK only a few days earlier and that he was staying at the Bell Hotel. As I noted earlier -both V1 and V2 relay this same information to the police in the body worn video and 999 call. Not only does it make it significantly less likely that they have fabricated this, it significantly damages the suggestion by Mr Kebatu that he did not have the conversations as alleged with them.
61. Whilst Mr Kebatu suggested that it was common knowledge that asylum seekers were being housed in the hotel, this does not explain how or why W2 and V2 described the defendant telling them his name was Thomas. On the face of it this would be an unusual thing to have fabricated and in fact this evidence further pointed to the conversations alleged by the prosecution witnesses taking place.
62. Miss Dyas was able to highlight several inconsistencies in the evidence given by the children, and the cross examination of them was conducted very carefully but also very effectively.
63. I am not persuaded that there is any evidence to suggest that any of the children have fabricated the accounts that they gave. In fact, some of the inconsistencies, such as neither W1 or W2 not seeing the attempted kiss, the erection, and W2 not seeing the defendant touch V1's thigh, make it less likely that they have concocted their evidence together.
64. What are quite important features of V1's evidence, and to the prosecution case, were not observed by them. This would appear to be unusual if they were all, as the defendant asserts, trying to set him up.
65. The prosecution and defence, in their very helpful closing speeches, offer two alternative explanations for the inconsistencies. The prosecution argue that inconsistencies are inevitable, not because they are fabricating their account, but because they are being honest. Mr Cowen highlighted that with W2 in particular there appeared to be little gained by him or the other witnesses if his evidence was untruthful.
66. Another point made by Mr Cowen was that if the children were making up their accounts to support V2, then that might explain their accounts of the 8<sup>th</sup> July, but

then raises the question as to why they would give any account at all about the 7<sup>th</sup> July.

67. Miss Dyas on the other hand argues that these inconsistencies are significant and point to the evidence being at least unreliable, at most untruthful. The evidence of the children was plagued with inconsistencies that it cannot be accepted as being credible.
68. The defendant's account must really stand or fall on whether the court accepts his explanation for V2's allegations because, as was quite rightly put to him in cross-examination, his account is, in short, that V2 threatened to tell the police he had been touching children if he did not come back to her house, and that conveniently for her, there were three children nearby that would support the untrue allegations.
69. Some importance must then be placed on the fact that V2 provided her telephone number to the defendant after she had allegedly been subject of a sexual assault. Her evidence that she no longer considered Mr Kebatu to be a concern or a worry to her is an account that I accept. It is consistent with her overall account – she was a confident individual who spoke her mind and was content that she had addressed the situation.
70. Further when the timings are looked at in detail, Mr Kebatu's suggestion that V2 had insisted that he come back to her house either then or later – at which point the number was provided – does not explain why the moment she hands the number over is almost immediately prior to the point where she then starts to shout at Mr Kebatu for what she deemed to be inappropriate behaviour towards V1.
71. Given that she is then on the phone to the police for a lengthy period of time, and then when police arrive they speak to V1, it is difficult to see when the witnesses, who have never met each other before would have concocted their account about what Mr Kebatu had said and done. Whilst they clearly spoke to each other before V2 contacted the police, it is clear from the evidence, including the CCTV, that this was a brief interaction of no more than 3 minutes and certainly would not have been enough time to create such a detailed account which they both almost immediately provided to the police.
72. Had she been intoxicated as the defence suggested it might have some impact on her credibility. She denied that this was the case and there is other evidence

available, such as the CCTV of her walking in and out of the fish and chip shop, and her 999 call, that supports her account in this respect.

73. The final observation that I make in respect of V2 is that during her cross-examination it was suggested that she had jumped to conclusions about what she had seen in regards to Mr Kebatu and V1. That was a very different line of questioning to the actual evidence given by Mr Kebatu and the suggestion that she had threatened Mr Kebatu with false allegations was simply not put to her.
74. It makes it difficult to place any reliance on the account provided by him. Even taking into account the good character direction I have given, V2 is a significantly more credible and consistent witness and her account is supported by other evidence.
75. I accept that there is some consistency in Mr Kebatu's explanation. He did attempt to tell the police, when they arrived at the scene, that V2 was drunk and had given him her number. The footage picks up the comments he made, which he was asked about in his police interview:
- SHE DRINKS, SHE GAVE ME A PHONE NUMBER, SHE KEEPS ASKING ME TO HER HOUSE". "THE NUMBER LADY IN BLUE THINK SHE IS DRINKING YOU ARE BLACK AND COMING", "SHE GIVEN ME TELEPHONE NUMBER, PLEASE COME TO ME"
76. He commented that he was referring to V2. He told those interviewing him that she was taking hashish and had been drinking, and that she approached him.
77. What is not clear is why he does not then provide the information that he has told the court in his police interview. He did not mention that V2 had threatened to make malicious allegations against him. He was pressed by the prosecution about the reasons why he gave a prepared statement and answered no comment.
78. The explanation he gave was that he had not done anything wrong and they, the police, did not understand his explanation. He was nervous and unable to answer.
79. Prior to his interview he was warned that he did not have to say anything – and so he had a right to say nothing but that it might harm his defence if he did not mention when questioned something which he later relied on in court.
80. So Mr Kebatu was aware that conclusions might be drawn against him if he failed to mention facts when being interviewed which he later relied on in his evidence.

81. I now draw inferences from the fact that he failed to mention to the police the full account that he put forward regarding V2 and the fact that he failed to mention the fact that V2 and the children were making the whole thing up because he would not go back to her property. I have drawn an inference from the fact that he failed to tell the police that he only said hi to the children on the first occasion and that he had no interaction with them at all on the second occasion.
82. I do not accept Mr Kebatu's explanation that the police would not understand him. I understand even less his explanation that he had not done anything wrong. Neither is a sensible explanation for failing to mention the very important information that he sought to rely on in court.
83. It is in my assessment a fair and proper to reach the conclusion that Mr Kebatu simply had no answer at that time or none that would stand up to scrutiny. This was something that became evident when he started to give his evidence which did not stand up to cross-examination. He was unable to explain how the witnesses knew as much information about him as they did, he was unable to explain why the three children would support the malicious allegations made by V2, he was unable to explain why she would have immediately made the allegations when she had asked him to come to her house later, he was unable to explain his partial no comment interview and he was unable to properly explain why there was footage of him apologising to V2.
84. In addition, I conclude that the reason Mr Kebatu's account that he gave in evidence was not put to V2 was because it was a version of events that he only just decided upon when he took the witness stand.
85. On a detailed assessment of the evidence I am satisfied so that I can be sure that the prosecution have proven beyond reasonable doubt the elements of the offences.
86. On 7<sup>th</sup> July 2025 he attempted to kiss V1 after telling her that she was pretty and he had invited her back to the Bell Hotel to make babies. He knew that she was only 14 years old.
87. He followed V1 and her group of friends around the Epping area. At one stage he offered them alcohol.
88. On 8<sup>th</sup> July 2025 he again approached the children, asking for kisses and inciting V1 to kiss W1, which caused him to be visibly aroused. He sexually assaulted V1

by touching her thigh whilst he continued his inappropriate behaviour and comments to her. His behaviour towards V1 over the two periods amounted to harassment and he ought to have known it did.

89. On the same occasion Mr Kebatu also sexually assaulted V2 by placing his hand on her thigh whilst he told her that she was pretty.

90. I am satisfied beyond reasonable doubt that Mr Kebatu is guilty of each one of the offences alleged against him.

91. Accordingly, I record a guilty verdict on each charge.

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

**Chelmsford Magistrates' Court**