

Europe External Programme with Africa

# SITUATION REPORT SPECIAL - WALID HEARINGS

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[The summary of the first 6 hearing days can be accessed on the EEPA website.](#)

### Walid hearing: Summary of Day 7 (per 26 November 2025)

- Day 7 of the court hearing in the case of alleged human trafficker Tewelde Goitom “Walid” covered the reply of the injured party and the public prosecutor, the rejoinder, and the final words of the suspect.
- Today is the last day of the hearings in the Walid case, and this concludes our Situation Report Special series on the case for now.
- The verdict is expected to be delivered on 27 January at 1:10PM CET, with a possibility of an earlier date, in which case this will be communicated at least one week in advance. The suspect will be present during the ruling. We will be reporting the verdict.
- In case of Kidane’s extradition before the end of January, he is planned to be questioned in court prior to the verdict.

### The reply (per 26 November 2025)

- The hearing started with the response of the lawyers of the injured parties. They argued against the claims of the defense which disputed the credibility of the expertise of the lawyers who delivered the expert report on Libyan civil law by reiterating key elements of their expertise.
- The court has previously stated that the expertise of the expert lawyers as a team is admissible during one of the pro-forma hearings, said the lawyers of the injured party.
- The framework that should govern the damages of the injured party was drafted in June and the defense had enough time to dispute the credibility of the expert report or ask questions for clarification which they did not, argued the lawyers of the injured party.
- The lawyers of the injured parties added that they have also extensively substantiated the claim through publicly available sources.
- The public prosecutor replied to the points raised by the defense on Monday, highlighting that they could only respond to a number of points, and most of the case is already supported in detail by their case file documents.
- The public prosecutor lamented that the defense misrepresented arguments and testimony reports.
- The public prosecutor stated that the charges on money laundering and hawala, which the defense argued cannot be used by the prosecutor as a connecting element to the Netherlands due to the lack of specific agreement on this in the extradition, have only been removed as standalone offences, and remain an obvious part of the crimes conducted under the smuggling modus operandi.
- The removal as standalone crimes, prevents the court from deciding on those charges, but does not exclude the financial evidence as an essential part of the criminal organisation from consideration.
- The public prosecutor responded to the claim that it had no trigger relating to The Netherlands for the investigation, and would be trying to solve an extensive global smuggling problem without a Dutch link, by indicating that the investigation started from information obtained in a Dutch case, and that the investigation expanded from there due to the severity and extent of crimes committed by Walid.

- The public prosecutor named several articles of the EU Charter of Fundamental Rights which enshrine human rights in the EU, among others the right to life, right to integrity of the person, prohibition of torture and of inhuman or degrading treatment or punishment.
- Within the extensive crimes committed in the smuggling network, the prosecution emphasised that it specifically chose to prosecute for the charges in which the Dutch legal order is impacted, omitting criminal offences like crimes against humanity.
- The prosecutor emphasised that the support for jurisdiction has been extensively provided to the court per charge ahead of the content hearings, and the prosecutor disputes the defense's claim that the prosecutor's explanation on jurisdiction was short, and listed the jurisdiction in each case.
- The prosecutor also disputed the comparison of the victims in this case with the non-Dutch victims of the MH17 plane crash, as those victims do not have ties with the Netherlands, unlike the victims in this case, who - all but one - reached and live in the Netherlands, several had the intent to go to The Netherlands, and all traveled through Europe, which falls also under jurisdiction.
- The public prosecutor rejected the defense's claim that there was no intention to smuggle people into the Netherlands, noting that several witnesses explicitly stated their goal was to reach the Netherlands, and that Italy, like Libya, was merely a transit country.
- The prosecutor argued that for the witness who lives in the United Kingdom, and also for the other victims should the court rule that Article 2 of the Dutch criminal code does not provide sufficient basis, jurisdiction is argued on the basis of article 8c. This is also arguably a base for all other instances under the court.
- Article 8c, which was established to prevent impunity, gives jurisdiction for offences committed outside the Netherlands provided they were committed by a foreign national who is present in the Netherlands; this also covers situations where conviction in the country of commission is not possible.
- The article rests on two main conditions: extradition to Libya not being possible due to the absence of a treaty with the Netherlands, and smuggling also being considered a criminal offence in Libya.
- The prosecutor disputed the claim of the defense which stated that other persons such as Moussa Diab and other Libyans were in charge of the actions carried out in Libya.
- The prosecutor stated that even if other persons were complicit for the crimes committed in Libya, it does not diminish the actions carried out by Walid and he is not absolved from criminal responsibility.
- The prosecutor further refuted the defense's claim of Walid's non-involvement in the location of Kufra, stating that there were multiple witness testimonies as well as Facebook conversations that can prove the suspects involvement.

### **The rejoinder (per 26 November 2025)**

- The defense argued that the public prosecutor has not provided a substantive response to the defense's main positions on the jurisdiction, which are largely based on the report of Dr. Yanev, an expert on international jurisdiction.
- According to the defense, the public prosecution is conflating what conduct is punishable by law, and who is authorised to convict.
- The defense repeated its point that the smuggling of the witnesses ended in Italy and therefore the jurisdiction cannot be established based on article 2 of the Dutch criminal code.
- The defense disputed the citing of article 8c by the prosecutor in the reply, stating that the suspect is not a foreigner 'present' in The Netherlands as meant under 8c, in that he was extradited for prosecution of a crime for which jurisdiction should already exist at the time of extradition.
- The defense questioned why the public prosecutor cannot provide clarity about the execution of the Ethiopian verdict, as it stated that this is relevant for the sentencing of the suspect. The defense asked the court to take the Ethiopian verdict of 18 years in prison, of which 15 years remain, into account.
- "I don't understand why I am being prosecuted in the Netherlands. I heard and saw that you listened to everybody in the court room and I am awaiting your ruling in January," said Walid in closing.

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