Europe External Programme with Africa

SITUATION REPORT SPECIAL - KIDANE HEARINGS

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Summary of the hearing (per 28 October 2026)

- A preparatory court hearing in the case of alleged Eritrean human smuggler Kidane Zekarias Habtemariam was held in Zwolle, the Netherlands, on 28 October.
- Kidane was present together with his lawyers. At the beginning of the hearing the presiding judge asked the accused to confirm his full name and year of birth which is 1975.
- The Dutch Public Prosecutor submitted a second indictment introducing several new charges relating to human smuggling and suspicion of rape.
- The first indictment was introduced in March of this year, accusing Kidane of taking part in a criminal organisation, human smuggling, extortion and rape.
- Both indictments will be combined and addressed together during the substantive hearings.
- The Public Prosecutor submitted a request for investigation of the witnesses in September, which comprises a list of 55 witnesses.
- The defense raised objections regarding several of the witnesses proposed by the Public Prosecutor. The defense claimed that some witnesses have not been included in the indictment charges and raised a question as to why the Prosecution included them in the request for investigation.
- The Public Prosecutor requested for some witnesses not to be heard in person, but have their statements, collected through a previous investigation, included in the case file instead.
- The Prosecution claimed that further questioning could lead to retraumatisation and distress of the indicated witnesses.
- This was objected by the defense lawyers who stated that there must be better evidence proving that the mental or physical wellbeing of the witnesses who are not to be further questioned would be affected. The defense stated their interest in posing questions to those witnesses as it can impact the case.
- The defense lawyer acknowledged that the emotional vulnerability as well as mental wellbeing of witnesses is important but it has to be balanced with the right of the defendant to his defense.
- The Public Prosecutor acknowledged the raised objections by the defense.
- The Prosecution reiterated that they have reasons to believe that further investigation of indicated witnesses would negatively affect their wellbeing.
- The Prosecutor gave concrete examples from previous investigations of witnesses who showed signs of serious distress, adding that the prosecution maintains their argument of not pursuing the further in-person questioning.
- The Prosecution highlighted that it intends to argue that the accused can be charged for crimes of rape under the Article 8c of the Dutch Penal Code which governs extraterritorial jurisdiction over foreign nationals who commit serious offences outside the Netherlands.

- The presiding judge indicated that Kidane would like to be heard during the content hearings. He asked the defense how much time they estimate for Kidane to be heard so they can include it in the planning of the substantive hearings.
- The presiding judge indicated that the witnesses will be heard by investigative judges as soon as possible. It is expected that the investigations will be carried out in the first half of 2027.
- It remains unclear when the content hearing will take place as it is dependent on finalisation of all witness investigations. The presiding judge indicated it could possibly be in the second half of 2027.
- The next court hearing is scheduled for 11 November 2026 at 3pm in Zwolle, the Netherlands. During the hearing, the judging panel will deliver their decision on the requests for investigation submitted by the prosecutor and arguments submitted by the defense.

Links of interest

The summary of the Walid Hearings in Court in The Netherlands can be accessed on the EEPA website

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