FREQUENTLY ASKED QUESTIONS

Pearce Case

Case concerning a suspect accused of founding and or leading/running a criminal organisation operating in the Netherlands, Italy, and/or Libya.

Investigation Name	Pearce
Country	Eritrea
Court	District Court of Zwolle
Year	2025

01
Who is the Accused in this case?

The Accused is Tewelde Goitom, an Eritrean national also known as Walid (or Welid). In 2018, a UN Panel of Experts on Libya identified Walid and his associate Kidane as key figures in migrant smuggling around Bani Walid, Libya. In response, an international network for legal and law-enforcement cooperation was established, involving Italy, the UK, Spain, Germany, France, Sweden, the ICC, and Europol, to facilitate information sharing and coordinated action against these smuggling networks.

The Dutch 'Pearce' investigation was triggered by abuse of Dutch migration procedures, linking Walid to several Libyan phone numbers and contacts in the Netherlands. He was arrested in Ethiopia in March 2020 for smuggling offenses, and sentenced to eight years imprisonment. The Netherlands requested extradition in May 2021, and he was transferred in October 2022. He must still serve the remainder of his Ethiopian sentence.

During proceedings, Walid denied being the person known as Walid, but the court found beyond reasonable doubt that he was. The case file includes aliases, documents, photographs, and survivor identifications, while forensic comparisons in 2022 confirmed his identity.

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02
What is this case about?

The criminal case in the Netherlands concerns allegations that Walid led a criminal organisation responsible for a large-scale migrant smuggling and extortion operation between 2015 and 2018. The organisation operated across Libya, Italy, and the Netherlands, arranging the transport of migrants from Libya to Europe along the Central Mediterranean Route.

Migrants were detained in camps in and around Bani Walid, where they were forced to contact relatives abroad, including in the Netherlands, to pay for their release and onward travel. The detention sites, described as barracks, barns, or former livestock farms, lacked basic facilities and were characterized by chronic shortages of food and water, unsanitary conditions, and widespread abuse, including sexual violence and extortion.

After payments were made, sometimes multiple times, Walid's organisation placed migrants loaded onto overcrowded, unseaworthy boats and sent across the Mediterranean Sea, exposing them to life-threatening conditions. Most victims were Eritrean and other East African nationals fleeing widespread human rights abuses in their home countries.

According to the investigation, these detention sites and smuggling operations were linked to Walid and his alleged co-perpetrator Zekarias Habtemariam Kidane, who reportedly ran similar facilities and coordinated aspects of the network. Kidane is set to stand trial later this year.

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03

Which charges have been brought against the Accused?

Walid was prosecuted under Dutch law for his role in a criminal organisation responsible for hostage-taking, extortion, physical and sexual violence, and the violent smuggling of migrants, involving serious risk to life and for financial gain. The charges include:

- Human smuggling
- Extortion through violence or threats
- Participation in and leadership of a criminal organisation
- Hostage-taking for extortion
- Violent offences, including assault and threats
- Sexual violence, including rape

Allegations of money laundering were also filed but dismissed on procedural grounds.

It is important to note that the case concerns human smuggling, which is legally distinct from human trafficking. Human trafficking charges are not included in this case.

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04
Why is this case being prosecuted in the Netherlands?

Under Article 2 of the Dutch Penal Code, Dutch courts may adjudicate a case when a crime is committed partly in the Netherlands or when its effects occur on Dutch territory, regardless of where the acts originated.

In this case, the Court affirmed that acts of extortion were partially carried out in the Netherlands, and the human smuggling offences had direct consequences there, as many victims ultimately reached the Netherlands or became irregularly present as a result of Walid's actions.

05
What legal challenges or defenses have been raised?

In addition to disputing his identity, Walid’s primary defense focused on a lack of jurisdiction. Supported by an expert memorandum, the defense argued that under Dutch law, jurisdiction requires a connection to the Netherlands, such as a Dutch victim or perpetrator, or conduct that occurs (at least in part) on Dutch territory. The defense contended that while Dutch courts may assert jurisdiction over smuggling operations that were directed at the Netherlands, the specific route in this case primarily led to Italy, after which migrants continued their journeys independently. Accordingly, they argued, the locus delicti (the place where the crime occurred) was outside the Netherlands.

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The Court rejected this argument. It asserted, first, that the extortion offenses were partially committed in the Netherlands. Additionally, it held that when offenses produce effects on Dutch territory, the crime can be considered to have occurred, at least in part, in the Netherlands, regardless of where it originated. On this basis, the smuggling offenses were also deemed to have 'taken place in' the Netherlands. The Court made two exceptions for survivors who never entered the Netherlands or only did so years later.

06
What is the status of the case?

The case has been adjudicated in the first instance. The District Court of Zwolle delivered its judgment on 27 January 2026, finding Walid guilty of participating as a leader in a criminal organization, aggravated human smuggling committed habitually and by multiple persons with endangerment to life, and extortion committed by two or more persons.

He was sentenced to 20 years' imprisonment, minus time served in pre-trial detention. Claims by the injured parties were partly granted. Two claims were fully awarded, and the other two claims were declared inadmissible due to lack of jurisdiction.

The deadline for appeal has passed, which means the sentence is now definitive. It remains unclear whether Walid will serve the remainder of his Eritrean sentence before commencing his Dutch sentence. Dutch authorities have requested the transfer of the Eritrean sentence, but no decision has yet been made.

The trial against his co-perpetrator is scheduled to begin in March 2026.

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07
What is the (broader) significance of the Pearce case?

The Pearce case is one of the most significant Dutch criminal proceedings targeting migrant smuggling networks operating along the Central Mediterranean Route. The prosecution alleged that between 2015 and 2018, Walid's organisation transported thousands of migrants from Libya to Europe, holding 1,000–1,700 individuals at any given time in detention camps. The case provides a measure of justice for these survivors, who were subject to abuse, exploitation and severe mistreatment while attempting to flee conflict and persecution.

The case also sheds light on the broader context of Eritrean migration and the extreme vulnerability of migrants, including the extreme dangers of crossing the Sahara Desert and the Mediterranean Sea, and the way stricter border controls push migrants onto increasingly hazardous routes, making them dependent on smuggling networks in Libya, Sudan, and Ethiopia.

Prosecutors also emphasized the broader societal consequences of the scale of the harm suffered by victims, the exploitation of diaspora communities through extortion, and of the psychological trauma caused by perpetrators such as Walid, including how such events can influence public perceptions and debates about migration in Europe.

Beyond the scale of the crimes, the case illustrates the extent and effectiveness of transnational cooperation. It highlights the importance and feasibility of cross-border enforcement in addressing organised smuggling and other transnational crimes. Additionally, this case sets an important precedent in demonstrating how national courts can exercise jurisdiction over crimes committed abroad when their effects are felt on domestic territory.

Finally, the case underscores a gap in Dutch law between human smuggling and human trafficking. While trafficking focuses on exploitation, smuggling is often

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treated as “victimless crime,” leaving survivors with weaker protections. In practice, smuggling operations like Walid’s can involve systematic abuse, hostage-taking, extortion, and life-threatening conditions, raising questions about whether existing legal frameworks adequately reflect the severity of the harms inflicted.

08
What is the role of the Nuhanovic Foundation in this case?

The Nuhanovic Foundation has actively monitored the trial and raised awareness of its developments. Our work focuses on:

- Community outreach: Keeping the Eritrean community and the general public informed about the case and its broader implications.
- Trial monitoring: Observing and reporting on court proceedings to promote transparency.
- Support and collaboration: Engaging with community organizations, researchers, journalists, and individuals interested in following or supporting the case.

We encourage members of the Eritrean community, researchers, journalists, and the public to attend hearings, follow the livestream, and reach out to us for more information or collaboration.

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