

## **Open Letter to the Minister of Foreign Affairs of the Republic of Belarus, Mr. Vladimir Makei**

Dear Foreign Minister Makei

On 16 February 2021, the appeal hearing of Natallia Hersche, a Swiss citizen, is scheduled to take place in Minsk. Ms Hersche was arbitrarily arrested on 19 September 2020 at a peaceful women's rally in Minsk. During her violent arrest, she had, according to her own statement, "in fear of her life", pulled the mask off the face of a masked security guard, who was not identified as such, and scratched him in the process.

At first instance, Natallia Hersche, a dual Swiss-Belarusian citizen, was found guilty on 7 December 2020 of a crime under Article 363 of the Belarusian Criminal Code (resisting a police officer) and sentenced to 2 years and 6 months imprisonment.

According to Belarusian and Swiss human rights organisations, the persecution of Natallia Hersche is politically motivated and Ms Hersche is to be considered a political prisoner. We agree with this assessment and are of the opinion that Natallia Hersche has not committed any crime that would justify a prison sentence.

This is because the spontaneous protest in which she participated was exclusively peaceful. Such a protest must be protected by the Belarusian authorities according to paragraph 131 of the OSCE Guidelines on Freedom of Peaceful Assembly. The detention of the participants of the peaceful assembly by members of the Belarusian Ministry of Interior went far beyond the state's "obligation to protect public order" and thus violated OSCE international standards.

The trial of Natallia Hersche at first instance took place in violation of the principles of a fair trial. Injuring a police officer by scratching his face is to be considered negligent and is not punishable to that extent. The sentence of 2 years and 6 months imprisonment imposed is disproportionate to the offence for which Ms Hersche was found guilty. Especially when compared to other similar cases, it becomes obvious that the first instance verdict is politically motivated.

We therefore call on you to ensure that the appeal hearing of Natallia Hersche is conducted free of political motives but according to international standards of a fair trial. With the appeal hearing, the Belarusian authorities now have the opportunity to revoke the unlawful sentence of the first instance and to convert the prison sentence into a fine.

We call on you in your capacity as acting Minister of Foreign Affairs of the Republic of Belarus to ensure that Natallia Hersche is released at the latest after the pronouncement of the verdict of the appellate court. As a Swiss citizen, Ms Hersche must be allowed to return to Switzerland without delay.

It is with great dismay that we have learned in recent months of more than 33,000 arrests of Belarusian citizens and of reports of hundreds of victims of ill-treatment and torture by Belarusian security forces. We call on you and all Belarusian state authorities to immediately end the intimidation, persecution and detention of peaceful demonstrators, opposition activists, human rights defenders, students and media representatives.

The imprisonment of political prisoners and the persecution of political dissidents are serious violations of human rights, which Belarus, as a State Party to the International Covenant on Civil and Political Rights, has undertaken to respect.

We would like to remind you of these international obligations of your country and call on you to grant the fundamental human rights to freedom of expression and assembly to all people in Belarus without restrictions.

The imprisonment of Natallia Hersche and of more than 240 other political prisoners is a serious strain on foreign policy relations between Switzerland and Belarus. In order to improve bilateral relations, it is essential that the Belarusian authorities release Natallia Hersche and all other political prisoners!

As members of the Swiss National Council and Council of States, we stand firmly by the side of all people who are engaged and protesting for democracy, human rights and the rule of law in Belarus.

Yours sincerely

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