

Human Rights Without Frontiers Int'l

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OSCE Human Dimension Implementation Meeting

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Working Session 8 : Rule of Law

Czech Republic: The case of Czech citizens Jaroslav Dobes & Barbora Plaskova and the presumption of innocence

HRWF Int'l recommends that:

The Czech authorities

- respect the presumption of innocence of Jaroslav Dobes and Barbora Plaskova as the prison sentence released by the Regional Court in Brno in October 2014 was totally cancelled by the High Court of Olomuc in May 2015;
- grant Jaroslav Dobes and Barbora Plaskova new passports, even if limited to travels between the Philippines and the Czech Republic, in order to put an end to their status of "undocumented" persons, and to their detention in the Philippines;
- agree with the Filipino authorities that they will have to regularly report to the police station close to their residence;
- maintain the proposed administrative status as long as there is no new legal or judicial development in their case in the Czech Republic.

Two Czech citizens, Barbora Plaskova and Jaroslav Dobes, have been respectively detained in the Immigration Detention Center of Bagong Diwa in the Philippines for almost 18 months on the grounds that their passports were no longer valid.

Jaroslav Dobes and Barbora Plaskova have been living and working for years as yoga teachers in the Philippines and each of them has a child born in the country.

On 14th April 2015 Barbora Plaskova went to the Czech consulate in Manila, in the Philippines, to prolong the validity of her passport but she was denied a new one and she was kept in the Immigration Detention Center in Manila where she still is.

On 15th May 2015, Jaroslav Dobes, was arrested in Surigao del Norte, in the Philippines, where he openly exercised his activities of yoga teacher because his passport was not valid any more. He was immediately sent to the Immigration Detention Center in Manila where he still is.

Both Czech citizens were hereby left “undocumented” by their embassy in the Philippines.

In Prague, an international arrest warrant had in the meantime been issued against Jaroslav Dobes and Barbora Plaskova on the grounds that they had respectively been sentenced to a prison term. However, this decision of the Regional Court in Brno (Czech Republic) in October 2014 was cancelled on 21st May 2015 by the High Court of Olomouc for lack of evidence. On that very day, the legal situation of the two Czech citizens changed. There was no sentence to be implemented, there was no evidence of guilt, and they were therefore fully entitled to enjoy the right to the presumption of innocence.

Moreover, since May of last year, no Czech court has ruled that Jaroslav Dobes and Barbora Plaskova had been guilty of any crime in the Czech Republic.

There is therefore no obstacle for the Czech authorities to issue a new passport to their two citizens, still presumed innocent, to restore their freedom and to give them the possibility to take care again of their underage children born and living in the Philippines.

However, the Czech Ministry of Foreign Affairs goes on stating that “The reason for which they were apprehended, is fully under the jurisdiction of the Philippines and the decision of any changes related to their status is entirely outside the competence of the Czech Republic.”

This is not true. *Human Rights Without Frontiers* visited Manila in June and interviewed the Commissioner in charge of the Immigration Detention Center. He said his country was not against the presence of the two Czech citizens on its territory as they had not committed any criminal activity and he was ready to release Jaroslav Dobes and Barbora Plaskova if the Czech authorities gave them a passport.

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ANNEX: Timeline of the events

Jaroslav Dobes was born in January 1971 in Czechoslovakia under the Communist regime. At the age of eighteen he recognised his discomfort with living in an atheistic society and wanted to escape. He was a good alpinist and he fled through the mountains of Yugoslavia; his destination was Rome and the Vatican. In Italy, he studied the Christian Holy Scriptures with Catholic monks.

In 1992 for family reasons, he went back to his country which had since dispelled its' communist regime. From there, his spiritual quest led him to India.

In 1996, he went back to the Czech Republic to share his spiritual experience – comprised of meditation relaxation exercises - with his compatriots and established a small group of thirty followers. Over the next few years, the spiritual group experienced rapid growth and expansion. Jaroslav Dobes – then named Guru Jara – and his followers launched spiritual seminars and major festivals in various parts of the country: Zlin, Prague, and Opava, amongst other areas. They also established a monastery in Beskydy. The followers were mostly highly educated people: members of the legal profession, judges, professors, etc. By 2004, his followers were numbering in the thousands.

In 2004, the spiritual group established the esoteric Poetrie School in Brno for seminars and practices on meditation, yoga, feng shui, astrology, acupuncture, telepathy, auric-healing and other spiritual rituals.

Some social and governmental hostility became more visible and more pressing after this development. The group had attempted to register a religious foundation under their name, which was rejected, and their monastery in Beskydy was set on fire by unidentified arsonists. In 2005, members of the group reported being subjected to police interrogation and harassment, and the media also contributed to the hate, discrediting the group and its leaders.

In spring 2007, Jaroslav Dobes and his assistant Barbora Plaskova, left the Czech Republic because they felt threatened. At that time, no charges had been filed against them. A few days after his departure, Dobes was summoned by mail to appear at the Czech police station to be questioned for a preliminary investigation regarding accusations of “leading to a mistake” during a tantric treatment. He stayed in Nepal for two years and then left due to the worsening political situation.

In 2008, Dobes led an international spiritual gathering of his followers in Bangkok, Thailand, where he had been living for several months. He also went to India, Egypt, Indonesia and Malaysia to further deepen his spiritual knowledge. In February 2009, he settled down with Barbara Plaskova in the Philippines, a country which he first visited in 1999. On the island of Siargao he met his current partner with whom he had a child a few years ago.

In 2011, Dobes started developing an isolated camp ground/or community with Plaskova. They were assisted by some of their followers from the Czech Republic. They built an assembly hall, meditation pools, prayer venues, and so on. He began to organize international seminars that attracted followers from around the world; including participants from Japan, and the United States, amongst many other nationalities. Through his books and written materials propagated by his followers, he continued to exert and expand his global influence.

Back in the Czech Republic, the Poetrie School was forced to close in 2008, and in 2010 the homes of his followers were raided by the police, the movement’s bank accounts were blocked, and computers seized. In 2011, the Czech police accused Jaroslav Dobes and Barbora Plaskova of multiple rapes allegedly committed between 2004 and 2006. The allegations were built not upon testimonies of the eight supposed rape victims, but from three former female leaders of the groups.

2007 – 2009: Jaroslav Dobes and Barbora Plaskova on the Wanted List of the Czech Police

On 14th May 2007, Jaroslav Dobes was put on the Wanted List of the Czech police, for they alleged they did not know his whereabouts. On 18th February 2009, Filipino immigration authorities admitted the entry of Dobes into the country.

In 2009, a campaign against Jaroslav Dobes and Barbora Plaskova was created by former lecturers of the esoteric movement along with a Czech anti-sect movement. In the summer of that year, the special police unit for combating organized crime and mafia (UOOZ) became involved in the case.

In October 2009, Barbora Plaskova was put on the Wanted List of the Czech police because they did not know her whereabouts.

In 2010, the UOOZ investigation gained impetus. Dozens of former students of the Poetrie School and members alike were interrogated. In October, massive police raids and house searches took place, during which the police discovered that Dobes and Plaskova were living in the Philippines.

In January 2011, the UOOZ filed criminal charges of human trafficking against Jaroslav Dobes and Barbora Plaskova.

In January 2012, the Supreme State Attorney's Office rejected the charges of human trafficking put forward by the UOOZ and the case was transferred to the ordinary police in Zlin.

On 28th May 2012, the court in Zlin issued an international arrest warrant against Jaroslav Dobes and Barbora Plaskova for alleged multiple rapes committed between 2004 and 2006. This was the first official warrant issued for the alleged rapes.

October 2014: Jaroslav Dobes and Barbora Plaskova are sentenced to a prison term in absentia in the Czech Republic

On 7th October 2014, Jaroslav Dobes and Barbora Plaskova were convicted by the Regional Court in Brno, Zlin for committing multiple rapes. They were sentenced in absentia, respectively to 10 and 9.5 years of imprisonment with strict regime.

On 13th February 2015, the Embassy of the Czech Republic in Manila informed the Filipino authorities that they needed the cooperation of their police concerning “the case of two fugitives, including detailed police information about both of them and details about their stay at Philippines”.

On 6th March 2015, the Embassy of the Czech Republic in Manila informed the Filipino authorities that:

“Jaroslav Dobes and Barbora Plaskova are fugitives from the Czech Republic for multiple rapes
the passport of Jaroslav Dobes had expired
the unexpired passport of Barbora Plaskova should be considered invalid and will be cancelled by the issuing authority upon its delivery
Jaroslav Dobes and Barbora Plaskova are therefore undocumented aliens and their presence in the Philippines poses a risk to public interest.”

On 12th March 2015, the Bureau of Immigration (BI) in the Philippines issued a Summary Deportation Order against Jaroslav Dobes and Barbora Plaskova on the initiative of the Czech Republic authorities represented by Czech Embassy in Manila.

On 14th April 2015, Barbora Plaskova was arrested and detained at the Immigration Detention Center when she went to the Czech embassy to renew and process her travel documents and alien permit. Three days after her detention, she filed an application for refugee status.

On 15th May 2015, Jaroslav Dobes was arrested around 7am in Dapa, Surigao del Norte and was taken to the Immigration Detention Center in Manila. The validity of his passport had come to an end on 11th August 2013. He also applied for refugee status soon after his arrest.

May 2015: High Court of Olomouc (Czech Republic) cancels the prison term

On 21st May 2015, against the judgment of the Regional Court in Brno¹, the High Court in Olomouc heard, in a closed session, the appeals of Jaroslav Dobes, Barbora Plaskova, and Plaskova's mother.

After hearing their appeals, the High Court in Olomouc ruled that:

“According to § 258 section 1 letter b), c) of the Code of Criminal Procedure the judgment under appeal, based on the initiative of all filed appeals, is hereby annulled and revoked in its entirety.

According to § 259 section 1 of the Code of Criminal Procedure, the case is returned to the court of first instance, to make a new decision.”

June 2015: Attempt to Forcibly Deport Jaroslav Dobes

On the evening of 10th June 2015, there was an attempt to forcibly deport Jaroslav Dobes back to the Czech Republic on a Turkish Airlines flight. The tentative extraction failed, Dobes was handcuffed and later collapsed at the airport, forcing authorities to send him to the local medical facilities. His plane ticket had been purchased in Prague on 4th June; six days before the attempted deportation.

¹ Branch in Zlin, dated 07 October 2014, ref. No. 68 T 1 / 2014-4688