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content/plugins/pdf-print/pdf-print.php on line **1214**

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**CZECH REPUBLIC: Justice
delayed justice denied :
Funds arbitrarily not repaid
(190,000 EUR)**

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (07.12.2020) – The High Court in Olomouc, Czech Republic, should examine without any further delay the complaint filed by attorney Vit Brozek against the Zlin branch office of the Regional Court in Brno. On 24 February 2020, this court failed yet again to rule in favour of restitution for the Poetrie esoteric yoga school for having 190,000 EUR frozen for the past ten years. This money was seized by the court in 2010 as part of the prosecution against Jaroslav Dobes and Barbara Plaskova, the spiritual leaders of the Guru Jara Path. The Guru Jara Path was founded in 1996 by Jaroslav (Jára) Dobeš and teaches an esoteric system mostly based on Shivaite Tantrism.

Their lawyer contends that the ruling of the Brno/Zlin court is in gross contravention of § 80 (1) of the Czech Code of Criminal Procedure which reads:

If an item that has been voluntarily handed over or confiscated is no longer necessary for further proceedings, and if its forfeiture or seizure is not required, it shall be returned to the original owner. If another person exercises rights to it, it is given to the individual whose rights to the item are not in question. In case of doubt, the case shall be carried through and the person claiming it will be informed of their right to invoke it in civil proceedings. If the person entitled to the item does not reclaim it despite a repeated summons, the item will be sold, and the profits will be deposited with the court; an item with no profitable value will be destroyed.

The reason provided by the court for dismissing the claim of restitution is that these funds allegedly continue to be important for the criminal proceedings. However, according to

attorney Brozek, the court decision fails to justify why they would still be relevant to the criminal proceedings as the two spiritual leaders, who have been stuck for years in an immigration detention camp in The Philippines, have already been convicted in absentia in the Czech Republic. Moreover, the disputed amount is not the result of financial transactions related to their case, which the court itself recognised, and the prosecutor has never expressed any opposition towards repaying the funds.

The funds cannot be withheld indefinitely, attorney Brozek stresses.

In its most recent ruling, the Brno/Zlin court states that it is not clear who is responsible for the funds. However, attorney Brozek outlines in his complaint that the management of the frozen funds is clearly identified. The Poetrie school was founded in 2004 and Ms Lenka Cumplova, was head of the school from 2007 until the police raid in 2010 when it had to close its doors. She was the only person entitled to deal with the financial management of the school.

Attorney Brozek also points to aspects of the Brno/Zlin ruling that raise reasonable doubts about the validity of its decision.

A request for a refund of the 190,000 EUR was again submitted on 30 December 2019. The next day, the former director of the Poetrie school was informed by the President of the Chamber, Dr. Iveta Šperlichová, that this request would be decided by the court during the trial. However, on 24 February 2020, the

President of the Chamber informed attorney Brozek that the request for a refund would not be decided during this session of the trial because the court was still busy collecting evidence. No future date was provided. The lawyer filed a request regarding the determination of the time limit on this procedural act and, to his surprise, was informed on 26 February 2020 that the application had been decided on 24 February 2020.

“Such conduct by President of Chamber, Dr. Iveta Šperlichová, threatens confidence in independent, impartial, professional and fair decisions of the courts,” the lawyer concludes in his complaint to the High Court in Olomouc. Additionally, he noted that his request for the restitution of the funds should have been implemented when it was first filed on 30 December 2019, or at the trial on 24 February 2020, which was not done.

Attorney Brozek is requesting that the High Court of Olomouc annul the decision of the Brno/Zlin court on 24 February 2020 and release the entire amount of the frozen funds to the Poetrie school through its last director, Lenka Cumplova.

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