

Czech Republic: Jaroslav Dobes and Barbora Plaskova want a fair trial

– By Willy Fautré –

HRWF (10.06.2019) – Seven years after prosecution proceedings were initiated by the Czech Republic against Jaroslav Dobes and Barbora Plaskova for alleged rape of eight women in the framework of tantric yoga seminars held between 2004 and 2006, Czech courts have still not been able to reach a final valid decision concerning the accusations.

On the initiative of the Czech Republic, first Barbora Plaskova and later Jaroslav Dobes were arrested in April and May 2015 in the Philippines, where they had both led an international retreat center and lived with their families (and children) for several years. Since then, they have been held in the Filipino Immigration Detention of Bagong Diwa in Manila because the Czech Republic cancelled their passports.

The fact that the judgments of the First Instance Court of Brno (Zlin branch) were twice annulled in their entirety by the High Court of Olomouc is a source of deep concern for Jaroslav Dobes, Barbora Plaskova and their lawyers.

In October 2018, for the second time, the High Court of Olomouc annulled the prison term against the accused delivered by the First Instance Court of Brno (Zlin branch) in its entirety.

The ill-will of the First Instance Court of Brno v. the good will of the High Court of Olomouc

For unknown reasons, the Court of Brno is obviously reluctant in conforming to the judicial standards requested by the High

Court of Olomouc.

On 7 October 2014, the Court of Brno sentenced both accused to a heavy prison term in absentia.

On 21 May 2015, the High Court in Olomouc heard the appeals of the accused and dismissed the decision of the Court of Brno for lack of evidence and procedural errors.

It took the Court of Brno two years and eight months to issue a new ruling (!) in which two people had been removed from the list of alleged victims and the prison sentences of both accused had been reduced from 10 years for Jaroslav Dobes and 9 years $\frac{1}{2}$ for Barbora Plaskova to 7 years $\frac{1}{2}$ for both of them.

Four months later, in May 2018, the accused appealed the decision. It only took five months, including the summer vacation period, for the High Court in Olomouc to again cancel the ruling of the Court in Brno in its entirety.

One year later, as of early June 2019, the Court of Brno has still not revised its ruling.

Fair trial questioned

At various stages of the judicial proceedings, the lawyers of Jaroslav Dobes and Barbora Plaskova have complained about infringements of fair trial fundamental principles as enshrined in **Article 6 of the European Convention on Human Rights:**

1. In the determination of his civil rights and obligations, or of any criminal charge against him, everyone is entitled to a fair and public hearing **within a reasonable time** by an **independent and impartial tribunal** established by law. **Judgment shall be pronounced publicly** but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a

democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2. Everyone charged with a criminal offence shall be **presumed innocent until proved guilty according to law.**
3. Everyone charged with a criminal offence has the following minimum rights:

(a) **to be informed promptly**, in a language which he understands and in detail, of the nature and cause of the accusation against him;

(b) to have adequate time and facilities for the preparation of his defense;

(c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(d) to examine or have examined witnesses against him and **to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;**

(e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court

Miscarriage of justice by the First Instance Court of Brno

Throughout the judicial proceedings, the defense counsels of the accused complained about a discriminatory treatment of their clients and the non-respect of the fundamental rights to a fair trial:

- The conditions for the exclusion of the public from the court hearings were not met;
- From the very beginning, the accused have been treated

- as fugitives by the Czech authorities regardless the circumstances and the obligations the law imposes on the court concerning the verification of their whereabouts;
- The accused were not given the possibility to cross-examine/confront witnesses and were denied the right to summon some witnesses;
 - The judge did not treat the parties equally, in particular at the court hearing of 23 January 2018, when only one defense witness in favor of the accused could be heard; at the same hearing, experts could not be cross-examined about their report and one expert stated that she had evaluated the state of the alleged damage of one of the complainants through a phone call, without proper identification of the person on the phone;
 - The judge did not treat the parties equally, in particular at the court hearing of 26 January. She refused to accept documentary evidence from the defense counsels, which is a violation of the Czech Legal Code; she failed to summon all the witnesses who were required and ordered by the High Court in Olomouc in its appeal decision and according to the Law Order; she adopted a negative behavior towards independent witnesses; she postponed the issue concerning the restitution of the funds confiscated from the Poetrie Esoteric Institute in 2010; she suddenly and unexpectedly declared the end of the trial after one day and a half although it had been announced for three days;
 - The abusive delays in the proceedings at the level of the First Instance Court of Brno entail a prolongation of the deprivation of their freedom in the Philippines where they have been held in the Immigration Detention Center of Bagong Diwa for four years because they have been deprived of their visas and their passports;
 - None of the court decisions has been sent to any of them despite the fact they repeatedly asked for it in a written form as well as by phone calls.

Conclusions

It is to be hoped that the proceedings concerning the seven cases sent back for the second time by the High Court of Olomouc to the Court of Brno will take place without any further delay and that the Supreme Court will also soon deal with the appeal of the defendants in the remaining case of Lenka Nevrlkova.

When will the Czech Republic open a new trial against Jaroslav Dobes and Barbora Plaskova?

The question was raised in parallel of a side-event organized at the UN in Geneva on the day the Czech Republic was defending its human rights record at the Universal Periodic Review earlier this week

By Willy Fautré, *Human Rights Without Frontiers*

HRWF (09.11.2017) – On 21 May 2015, the High Court of Olomouc ruled that the judgment against Jaroslav Dobes and Barbora Plaskova issued by a first instance court of Zlin/Brno on 7 October 2014 was “annulled and revoked in its entirety” and that the case was returned to the court of first instance in

Brno to make a new decision. Since then, no new trial has strangely been initiated and the Czech authorities have repeatedly remained silent when publicly called upon about this inertia by NGOs at the OSCE and at the UN.

In the last two years and a half, Jaroslav Dobes and Barbora Plaskova, have been detained at the Immigration Detention Center of Bagong Diwa in Manila (Philippines) not on the grounds of a crime committed in the Czech Republic or in the Philippines but because the Czech embassy in Manila had made them undocumented.



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.

Undocumented

On 14 April 2015 Barbora Plaskova went to the Philippines Immigration bureau, in Surigao City, to prolong the validity of her visa (as she did before every second month since 2009) but she was denied a new one, her passport was declared as invalid, confiscated and she was escorted in the Immigration Detention Center in Manila where she still is.

On 15 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.

Their request for new passports was conditional by the Czech consul upon personally visiting the Czech Embassy in Manila. After the unsuccessful attempt of forcible illegal deportation to the Czech Republic of Jaroslav Dobes in June 2015, Dobes and Plaskova did not trust any guarantee of safety from side of Czech representatives.

Both Czech citizens were hereby left “undocumented” by their embassy in the Philippines and detained at the Immigration Center of Manila.

Presumption of innocence

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 10 years and 9 $\frac{1}{2}$ years in prison in absentia for alleged rape of eight women in the Czech Republic between 2004-2006. However, this decision of the Regional Court in Brno (Czech Republic) in October 2014 was cancelled on 21 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 2015, no Czech court has ruled that Jaroslav Dobes and Barbora Plaskova had been guilty of rape or any other crime in the Czech Republic.

On 6 November 2017, the inertia of the judiciary was raised again in a side-event organized by a French NGO with ECOSOC status, CAP Liberté de Conscience.



In June 2016, *Human Rights Without Frontiers* (Brussels) and *FOREF* (Vienna) visited the Immigration detention Center in Manila with the assistance of the Filipino Commissioner of the Bureau of Immigration and the director of the detention facility, interviewed the two Czech citizens.

The question of *Human Rights Without Frontiers* is: **Why such inertia of the Czech judiciary and such a silence of the political authorities ?**

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CZECH REPUBLIC/SUDAN: Czech man ready to resume African mission after Sudanese ordeal

Prague Daily Monitor (06.03.2017) – <http://bit.ly/2mRgK0v> – Petr Jasek, who spent 14.5 months on espionage charges in prisons in Sudan and was released to the Czech Republic in February, will return to Africa even after the bitter experience, Jasek told journalists after meeting the Brethren Church members yesterday.

Jasek was sentenced to 20 years in prison in Sudan in late January.

In February, Foreign Minister Lubomir Zaoralek negotiated about his release in Khartoum. Sudanese President Omar Bashir then granted pardon to Jasek and ordered his immediate release.

The Sudanese authorities accused Jasek of activities against the state, including espionage. Prague says he was arrested in 2015, during his missionary expedition aimed to help local Christians.

Czech diplomacy considers Jasek's arrest unfounded.

EU bodies, which repeatedly criticise human rights violation and violence against minorities in Sudan, also intervened in Jasek's case in support of his release. A petition for his release has been signed by 400,000 people, according to the CitizenGO group.

Jasek, together with three African people, was charged on

seven counts in Sudan.

Jasek said he might travel to Nigeria where Christians were persecuted, tortured and killed every day.

“I will be certainly travelling to Africa since I am in charge of it in our organisation,” Jasek said.

“It is more or less a matter of time when I will return there,” he added.

“For a time, I will have a holiday for my convalescence, but I will keep contact with my fellow workers. I am looking forward to the work,” Jasek said.

Jasek said he doubted his release was due to the presidential pardon.

“I doubt that the president signed anything,” Jasek said, adding that everything was taking place under the guidance of the secret service in Sudan.

Jasek said the worst situation in Africa was in northern Nigeria.

“This will be certainly the destination of my first journey,” he added.

When asked whether he would return to Sudan after his ordeal, he said if necessary he certainly would.

“However, since I was officially expelled from the country, as it was at least presented to me, I doubt I would be granted the visas again,” Jasek said.

Jasek was forced to stay in five Sudanese prisons.

He was beaten by his fellow prisoners some of whom were Islamists. One of them was a bodyguard of Osama bin Laden.

He was also kept in a solitary confinement dubbed “a fridge”

where prison guards let out cold air on him intentionally.

One of the worst experiences was staying in a a small police cell with dozens of other prisoners, he added. He complained about sanitary conditions.

“Some 100 people used one toilet without water. Such conditions are hard for a man to stand,” he said.

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SUDAN: BREAKING NEWS: Czech aid worker Petr Jašek released from Sudanese prison

HRWF (27.02.2017) – Czech Christian aid worker, Petr Jašek, has been released from prison in Sudan after being pardoned and freed by President Omar Bashir. Jašek, 52, had been detained in Sudan since December 2015. The release apparently comes after the Czech Foreign Minister, Lubomir Zaoralek,

visited Sudan this past weekend.

Petr Jašek was originally detained in December 2015 and in January 2017, was sentenced to 23 ½ years in prison for various charges including waging war against the state, violating restrictions in military areas, spreading rumors to defame the state, and inciting strife between communities.

Petr Jasek was arrested alongside two Sudanese church leaders, Hassan Taour and Abdulmonem Abdumawla, who were both sentenced to twelve years imprisonment after being found guilty of 'aiding and abetting' Jasek in his alleged spying. Taour and Abdumawla have launched appeals against their sentences, which have yet to be ruled on.

The charges against the three men revolve around their support (both vocal and financial) for a Sudanese student who was injured during a protest in 2013. As Christian Solidarity Worldwide explains, "The case further illustrates the politicization of the criminal justice system by the National Intelligence and Security Services (NISS), which, under the pretext of investigating national security crimes, has brought charges against members of the political opposition, human rights defenders and leaders of minority religions".

To learn more about Jasek, Taour, and Abdumawla's cases, please visit our prisoner's database.

Human Rights Without Frontiers would like to thank all of those who contributed to our campaign to release Petr Jašek.

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