

# 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 ½ 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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