



<http://www.hrwf.eu> - <http://foref.info> & blog in English: <http://foref-europe.org>

Universal Periodic Review of the Philippines

Submission of Human Rights Without Frontiers (HRWF) and Forum for Religious Freedom (FOREF)

Jaroslav Dobes and Barbora Plaskova: Two forgotten Czech citizens in the Immigration Detention Center in the Philippines

Introduction

Timeline of the events

Detention conditions at Bagong Diwa (Bicutan): “a dreadful place”

A fact-finding mission of HRWF Int’l and FOREF in The Philippines

Possible solutions: Proposal from HRWF Int’l and FOREF

Brussels, September 2016

Jaroslav Dobes and Barbora Plaskova, two Czech citizens detained in the Immigration Detention Center of Bagong Diwa in Bicutan/ Manila (Philippines)

Czech citizens, Jaroslav Dobes and Barbora Plaskova have been held since 15 May 2015 and 14 April 2014, respectively, at the Immigration Detention Center of Bagong Diwa in Bicutan/ Manila. The order for their detention was signed by the Department of Justice and the Bureau of Immigration at the request of the Czech authorities.

Their arrest, detention, and demand for deportation is based on a decision, issued in absentia, by the Brno Court (Czech Republic), of 10 and 9.5 years, respectively, in prison with strict regime for allegedly committing multiple rapes. However this decision was overturned in its entirety by the High Court of Olomouc (Czech Republic) on 21 May 2015. There has not been a new court decision as of 1 July 2016. Therefore, Dobes and Plaskova are legally entitled to the presumption of innocence.

Both have lived in the Philippines for several years, running a spiritual retreat center. They have not violated any domestic laws during their stay, and neither have a criminal record in the Philippines. They have repeatedly applied to be released, to no avail. Both Dobes and Plaskova have children; Japanese friends of Plaskova are temporarily taking care of her two year old child, and Dobe's daughter and her unemployed Filipina mother have been deprived of the presence and support of Dobes since May 2015.

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, specifically the Vatican. In Italy, he studied the Christian Holy Scriptures with Catholic monks.

In 1992 for familial reasons, he went back to his country which had since dismissed 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 there he established a small group of thirty followers. Over the next few years, this spiritual group grew and expanded rapidly. 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, along with 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 school opened. When the group attempted to register a religious foundation under their name, the application 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 “leading to a mistake” during a tantric yoga session. He settled 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 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 assisted by Plaskova and some of their followers from the Czech Republic, began developing an isolated campground/community. 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, the United States, and many other nationalities. Through his books and other 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 movement’s bank accounts were blocked and computers seized, and the homes of his followers were raided by the police. In 2011, the Czech police accused Jaroslav Dobes and Barbora Plaskova of multiple rapes allegedly committed between 2004 and 2006. The allegations were not built 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 14 May 2007, Jaroslav Dobes was put on the Wanted List of the Czech police as they claimed they did not know his whereabouts and the charges were still pending. On 18 February 2009, Filipino immigration authorities admitted Dobes into the country.

In 2009, a campaign against Jaroslav Dobes and Barbora Plaskova was started by former lecturers of their movement and 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 28 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 7 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, to 10 and 9.5 years, respectively, in prison with strict regime.

On 13 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 6 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 12 March 2015, the Bureau of Immigration (BI) in the Philippines issued a Summary Deportation Order against Jaroslav Dobes and Barbora Plaskova upon the request of the Czech Republic authorities at the Czech Embassy in Manila.

On 14 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 15 May 2015, Jaroslav Dobes was arrested around 7am in Dapa, Surigao del Norte and taken to the Immigration Detention Center in Manila. His passport had expired on 11 August 2013. He also applied for refugee status soon after his arrest.

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

One week later, on 21 May 2015, the High Court in Olomouc ruled on appeal against the judgment of the Regional Court in Brno¹ 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 10 June 2015, there was an attempt to forcibly deport Jaroslav Dobes back to the Czech Republic on a Turkish Airlines flight. The deportation failed when Dobes was handcuffed at the airport and later collapsed, forcing authorities to send him to the local medical facilities. His plane ticket had been purchased by the authorities in Prague on 4th June; six days before the attempted deportation.

Detention conditions at Bagong Diwa (Bicutan): “a dreadful place”

The immigration detention center that Dobes and Plaskova are currently being held in is situated in the middle of the Manila police headquarters, with 2,000 officers housed in the surrounding blocks. The facility once served as an extermination center for opponents of the Ferdinand Marcos regime.

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



On 9 August 2015, Post Magazine published an article entitled “*The Forgotten: Life inside notorious Philippines detention center*”² which reported that: “Never formally charged with a crime, some of the 150 or so foreigners held here disappear into an opaque legal whirlpool and remain locked up for years or even decades. These inmates are known as *The Forgotten*.”

A former Greek detainee Nikolaos Spanoudis, who spent eighteen months in Bicutan before being released (when the charges against him in a foreign country were dismissed), told Post Magazine that:

"You see people there who have been inside for 7, 11, or 14 years. When you talk to them, you discover they have never faced a criminal charge..."

The firing goes on day and night - you hear bullets and guns going off constantly, says Spanoudis, 51, who was later cleared of involvement in an alleged cocaine smuggling plot in the US and who now runs a website and a Facebook page called Foreigners for Justice, aimed at exposing corruption in the Philippine judicial system: ‘Bullets sometimes ricochet off and land inside the centre. You get no peace and it's very unsettling’...

² (*) See the full article with other testimonies about the detention conditions at <http://bit.ly/1SAAdUDI>

Officials demanded US\$50,000 then US\$100,000 for his release and told him if he did not pay up he would ‘rot’ in Bicutan...

In Bicutan, you were given a handful of food every day and there was only one telephone for 170 inmates and office staff to share. Conditions in Bicutan are just atrocious.”

On 15 September 2015, Cho Seongdae, a Korean facing US\$23,500 extortion case in his home country escaped from the Immigration Detention in Bicutan. He had been arrested four days earlier pursuant to a summary deportation order dated 9 September³. This incident led to the reinforcement of the security measures and to the worsening of the detention conditions. Later on, the director and most of the staff of the prison were replaced.

A fact-finding mission of HRWF Int’l and FOREF

From 5 to 11 June 2016, Willy Fautré, director of Human Rights Without Frontiers Int’l (Brussels) and Dominic Zoehrer, vice-president of FOREF (Vienna) carried out a joint fact-finding mission in Manila to collect information about the situation of the two Czech citizens, Jaroslav Dobes and Barbora Plaskova, and other EU citizens detained in Bagong Diwa Immigration Detention Centre. During the mission, the delegation conducted interviews with the following parties and visited the following locations:

- Met twice Mr Ronaldo Geron, the Commissioner of the Bureau of Immigration
- Officially visited all the premises of the Bagong Diwa Immigration Detention Center in Bicutan under the guidance of the warden (director) Erwin S. Otanez
- Met with Jaroslav Dobes and Barbora Plaskova, as well as with their lawyers
- Interviewed EU detainees⁴ as well as non-EU citizen detainees⁵ without penitentiary staff presence.
- Met with, and was welcomed by EU embassies in Manila. The delegation was not received or welcomed by the Czech embassy, which refused to meet despite repeated attempts.

In conclusion, the delegation declares that:

- the detention living space is insufficient for the current 147 detainees
- the detention conditions are appalling
- the food is of poor quality and insufficient quantity
- there is a shop in the center where the detainees can buy ingredients (if they have money) to complete their meagre rations
- There are several ‘kitchen facilities’ that Hindus, Chinese and Muslims can use in order to respect their religious or cultural traditions

³ Read more: <http://newsinfo.inquirer.net/726741/escape-of-wanted-korean-from-bi-detention-facility-probed#ixzz4BIMP8RpA>

⁴ Including individuals from Austria, the UK, Germany, Ireland, and Poland.

⁵ Including individuals from the United States, China, India, and South Korea.

- Detainees have access to a billiards table and some equipment for physical exercise
- There is no medical assistance at the Immigration Detention Center, or at other prisons in the Philippines, due to the absence of any specific government budget for such amenities
- The detainees largely appreciate the management of the new warden and staff, underlining that major improvements to detention conditions have been implemented since the new administration's arrival a few months ago.

At the end of their mission, the delegation published a press release in English and in Czech regarding their visit.

Possible solutions: Proposal from HRWF Int'l and FOREF

HRWF Int'l and FOREF recommends that:

The Filipino 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 completely overturned by the High Court of Olomuc in May 2015;
- issue temporary identification documents to Jaroslav Dobes and Barbora Plaskova;
- release them from Bagong Diwa under the condition of regularly reporting to the police;
- maintain the proposed administrative status as long as there is no new legal or judicial development in their case in the Czech Republic.