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Jaroslav Dobes and Barbora Plaskova: Two Forgotten Czech Citizens in a Catch 22 Situation in The Philippines

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

Jaroslav Dobes, a father of a four-year old daughter by a Filipina mother, and Barbora Plaskova, a nursing mother of a two-year old boy, have been respectively detained since 15th May 2015 and 14th April 2014 in 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 on the grounds of a request issued by the Czech authorities.

Their arrest, detention and request for deportation is based on a sentence issued in absentia by the Brno Court (Czech Republic), to 10 and 9.5 years of imprisonment with strict regime for allegedly committing multiple rapes. On 21st May 2015 however, the High Court of Olomouc (Czech Republic) overturned the decision in its entirety. No new court decision has been issued as of 1st July 2016. Therefore, Dobes and Plaskova should enjoy the presumption of innocence.

Both arrived in the Philippines several years ago and have since run a spiritual retreat center without breaking any domestic laws during their stay, neither have a criminal record in the Philippines. The two Czech citizens have repeatedly applied to be released, but to no avail. As a single parent, the illegal imprisonment has left Plaskova's son without parental custody for one year; Japanese friends of Plaskova are temporarily taking care of the child. Similarly, Jaroslav Dobes' 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 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 yoga session. 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. His passport had expired 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

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

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 blocks surrounding it. The facility once served as an extermination center for opponents of the Ferdinand Marcos regime.



On 9th 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), reported that/ 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..."

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

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’ ...

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.” Insert footnote

On 15th 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 9th 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 5th to 11th 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 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

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.

- 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
- Detainees have access to a billiards table and some material for physical exercise
- There is no medical assistance at the Immigration Detention Center, as well as 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 administrations’ 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.

Which possible solutions? Proposals 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 totally cancelled 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.