

Case of Jaroslav Dobes and Barbora Plaskova: Report of Legal Expert (Dr. Athanassios Pantazopoulos)

REPORT OF LEGAL EXPERT

Dr. Athanassios Pantazopoulos

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Excerpt:

“Taking into consideration the Joint Decision of the Department of Justice rejecting the Motion for Reconsideration and the Motion for Bail (release) for lack of merit, stating that Mr. Jaroslav Dobes, Ms. Barbora Plaskova and her minor son Bono Plasek are not refugees and ordered the deportation procedure to be continued and the factual information/reports provided to me by the legal representatives/Attorneys (LIBRA LAW- Dr. Glenn Mendoza) of Jaroslav Dobes and Barbora Plaskova related to the arrest and detention of Jaroslav Dobes and Barbora Plaskova and the attempt of forcible and illegal abduction of Jaroslav Dobes to the Czech Republic and the opinion/answer to inquiries of their legal representatives/attorneys (Libra Law-Glenn Mendoza), dated October 27th, 2015 and the Affidavits as mentioned above of Jaroslav Dobes, Barbora Plaskova and Marichona E. Siron, where they state and confirm that Jaroslav Dobes was forcibly abducted in the evening of June 10, 2015, handcuffed and taken to the airport for transport to Prague, Czech Republic via Turkish Airline. As revealed in the Turkish Airline record, the plane ticket for passenger Jaroslav Dobes was purchased in Prague on June 4, 2015, or six days before the illegal

deportation attempt on June 10, 2015, or even before the DOJ (Department of Justice) could resolve the application for his refugee status. With the deportation attempt carried out without any valid authority, there is every reason for applicants to fear for their lives and safety if deported to the Czech Republic. If only for this, there is also every reason for the DOJ (Department of Justice) to afford protection to the applicants, the fear of persecution being real, wellfounded and fully justified. The same incident verifies in his Affidavit in front of the notary public, dated July 31st 2015, Jaroslav Dobes and states in a very detailed description how the *“Czech authorities involved have violated the International Law and the principles governing refugees and disrespected the authority of the RSPPU (Refugees and Stateless Persons Protection Unit) and the Honourable Secretary of Justice because the attempt of illegal deportation was conducted pending resolution of his request for recognition of the refugees status”*. He also describes how due to immense fear of the situation, the stress and lack of proper nutrition caused by almost a month detention, he collapsed at the airport terminal. The same incident verifies also Barbora Plaskova, who provides also in her Affidavit, in front of the Notary Public dated July 31st 2015, evidences of the issued tickets (under point 12 of the Affidavit). *“She claims that the abduction and attempted deportation dated June 10th, 2015 is a serious manifestation of the Czech government`s involvement and grave intention to persecute us”*. Furthermore, this incident is also confirmed by Marichona E. Siron in her Affidavit in front of the Notary Public, dated July 30th, 2015. *She also provides evidences (under point 16 of the Affidavit) of the issued tickets under the name of Jaroslav Dobes for scheduled flight on June 10th, 2015 at 08.50 P.M. from Manila- Istanbul-Prague*. Furthermore, I took also into consideration the reports of the Administrative authority – VV Manila (Czech Consulate in Manila), provided to me by the legal representatives/Attorneys (LIBRA LAW- Dr. Glenn Mendoza) of Jaroslav Dobes and Barbora Plaskova and the

answer of the Ministry of Foreign Affairs of Czech Republic. I have been also requested to give my opinion on whether the Czech Authorities have provided the necessary protection to the above mentioned Czech citizens and if their attitude and information to the Philippine Authorities were impartial, accurate, complete and objective.

According to the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe says (art. 6.2): **“Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law”**.

According to the Universal Declaration of Human Rights, article 11, states: **“Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”**

According to the **CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION Art. 48** *Presumption of innocence and right of defence*

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.
2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

It is obvious the lack of protection on the part of the Czech consular authority, which on the one hand says (report, dated May 5th, 2015) that *“It is without any doubt that the Czech Republic is a free, open and democratic country, respecting principles of human rights, including the right for impartial jurisdiction and freedom of religion. The criminal charges against Ms. Plášková are not connected with her religious believe or linked with any illegal oppression beside the police or any other executive authority of the Czech Republic Her request for being recognized as a refugee is absolutely baseless and purposive.”* but on the other hand mentions, in the same report to the Department of Justice of the

Philippines, without objective and impartial judgment, as befits any Authority, representing the State that *“As her criminal case was subject of general public awareness and related information about the procedure, including the sentence for Ms. Plášková to almost 10 years imprisonment, were broadly published in the media it is without any doubt that she was well aware about these and was intentionally hiding in the Philippines in order to escape the jurisdiction of her home country.”* This reference is not objective and impartial, because does not content the crucial information, not even in a supplement, that **the judgment of the court of first instance was canceled in its entirety** by the High Court in Olomouc. The Administrative authority – VV Manila also refers to ***the criminal case as subject of general public awareness and to the image of the case, as presented by the media*** and does not provide objective, accurate, true and factual information and in that way demonstrates the bias of the administrative authority against Mr. Dobeš and Mrs. Plášková. This is in a democratic society, where the rule of law prevails, unacceptable! The Administrative authority – VV Manila should act impartially and objectively without relying on the media but only on factual, accurate and objective information. Moreover, the Czech Ministry of Foreign Affairs in his answer, dated February 12th, 2016, supported the Czech Consulate in Manila and in that way did not respect the fundamental right of ***“presumption of innocence”*** and also the fundamental principle ***“of objective, accurate, complete and impartial judgment”***.

Furthermore, according to the decision of the Department of Justice in Manila *“to our mind, mean that there is no judgement of acquittal with respect to the alleged multiple crimes of rape and that the case was returned to the court of first instance to try it again and rule on it. Therefore, the applicants are still subject to criminal prosecution before the proper court in the Czech Republic, which is part of according them due process, in addition to the fact that they*

are ably represented by counsel. Applicants must face to courts of justice in order to properly defend themselves. This Department will not allow individuals to use the system of refugee status determination in order to evade lawful prosecution of individuals under the guise of claiming to be refugees”...”

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