

# Justice on the Czech way

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Are you crazy?

Have you ever asked somebody this question? If so, how would you like to spend five months in prison for this quite innocent question? Do you say that this is impossible in a civilized world?

That was what happened to engineer Jiri Fiala, President of the Civil Society K213 fighting for the rights of children and fathers.

The story began in 2000 when Mr. Fiala got divorced and started a claim for joint custody of their two sons. Except that Czech justice did not allow him but he was also prosecuted for the alleged kidnapping in 2003 when he took his son to visit grandparents for the weekend.

Therefore, he founded the association Club 213 (according to section 213 of the Criminal Code for negligence compulsory financial child care) in 2004. Since then he helps mainly fathers who have been in similar situations and who can not raise their own children, but who are forced to pay (often totally unrealistic) contribution assessed by the court each month.

In 2006 he turned to the Court of Human Rights in Strasbourg regarding Czech courts tardiness. The Court of Human Rights decided that the Czech Republic has failed his fundamental right to educating his own children, but the situation has not changed to this day.

Mr. Fiala is an eyesore of the Czech justice for his journalistic and educational activities and finally because of the brilliant knowledge of the laws and defend the other fathers. He promotes traditional European values, raising children in two-parent family, and many times he correctly predicted the turn of events (such as the rise and fall of Czech ex-Prime Minister Petr Necas).

But back to the events that brought him to jail. It is the punishment for "contempt of court" which happened 5 (five!) years ago, imposed by a court in Kladno of 5 months. The court grossly violated the procedural provisions of the Criminal Procedure for getting sentenced to prison, when Mr. Fiala never received the valid call for a penalty - and without any notice or he had been directly included in the search for wanted persons, although Mr. Fiala daily visits other courts and authorities and his schedule has been known long in advance. Call for a penalty has been prepared a higher court clerk, and not President of the Chamber, as the law obliges. Moreover, the punishment should be immediate, corrective and not contrary to the good morals which fails at each point. Mr. Fiala is therefore probably the only convicted of contempt of court in the Czech Republic, who went to jail (Ministry of Justice has never published incarceration for same offense despite repeated requests).

On March 31 eve, his home and a seat of the association K 213, along with the editors pages, was raided by massive police forces forcibly broke in, destroyed the entrance and several doors and forcibly dragged him into Prague – Ruzyně prison. Dragging him off, policemen were plotting the fact that he had put armed resistance and attacked them with a knife.

The Supreme Administrative Court subsequently dismissed the appeal which issued contradictory decisions in the previous same case, and thus denied legal predictability and continuity.

Mr. Fiala would certainly greatly appreciate if you write him a letter of encouragement or a postcard. Professional legal opinion or advice is very welcome.

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I will inform you of further developments.