

# GREGORIANBIVOLARU

The website will be upgraded and updated soon with the latest developments.

**Who is Gregorian Bivolaru**

**Abuses persecutions and threats**

**Reactions and protests**

**Juridical situation of the case**

**Asylum in Sweden**

**Mass Media campaign**

**Romanian Justice and Human Rights**

## Street protests



On March 30, 2004 MISA Yoga School started a series of protests against authorities' abuses and persecutions.

## Letters and Memorandums



Protest Letters and Memorandums were handed over to Romanian and International Human Rights institutions and

politicians.

## International reaction



Summary of International reactions to the abuses against MISA Yoga School and its spiritual mentor, Gregorian Bivolaru.

## OSCE reactions



Summary of reactions regarding the MISA-Gregorian Bivolaru case at OSCE conferences.

## Other reactions



Reactions from Romanian journalists, organisations and others.

## Press releases



Extracts from MISA Press releases and press conferences.

## Unanswered questions



A few relevant questions never answered by the authorities.

## Reactions and protests >>> Letters and Memorandums >>> MEMORANDUM regarding the abuses made upon the yoga practitioners and the M.I.S.A.

By flagrantly and arrogantly defying all the inner and international law, starting with Thursday, March 18th 2004 more than 100 yoga practitioners have been subject to a violent and terrifying attack, unprecedented in the "post communist" Romania, and to a totally inhuman and degrading treatment.

They acted against these persons by means of an impressive display of forces, guided and coordinated by the still extremely powerful actives of Ceausescu's Security. With its proportions and the way the state institutions and mass media "collaborated", this action would have been worth being directed against the real corruption in Romania in order to stop the mega-swindles that have undermined the national economy during the last 15 years and that have been so affably tolerated by the governing party.

Effectives of more than 300 "law" representatives (prosecutors, gendarmes, intervention police forces, camouflaged persons with fire arms) entered by force, **without any summons**, 16 buildings that are private properties of some yoga practitioners. Some of them were briefly shown some search warrant, others were simply told nothing.

The accusations were extremely odd and the words used in the search warrant signed by the judge **Lia Savonea**, president of the 1st Penal Department of the Bucharest Court, were ambiguous and suspiciously permissive: "informative data, data regarding users, data regarding international traffic". What do informative data mean, who and what are the users, what kind of international traffic? Some search warrants mentioned other aspects or had a blank space besides the column: "grounds for the search".

Stupefied with sleep, more than 100 peaceful unarmed people, among whom there were some foreigners too, were lifted out of their beds, treated as if they were the worst of criminals, offended, abused and hit. Threatened with fire arms, they were deprived of all their personal things, **some of them without being mentioned in any official report, as well as of all their money; this made the assurance of their means of subsistence a real problem for the following period.** They were put with the same threatening in Police vans **without being told where they were forcefully driven**, exactly like in the old times of the Security.

All these actions were shot in detail and **let out/furnished in the same day to all the TV stations and newspapers, which transmitted them promptly, together with instigating and incriminating comments**, as if the filmed persons had already been irrevocably sentenced for having committed very dangerous offences against the law.

From the declarations and complaints of these traumatized persons, written without proper juridical knowledge, one can derive a number of **15 offenses** mentioned in the inner legislation, made by the implied authorities. The offenses are as follows:

### **Art. 196 PENAL CODE** **DIVULGENCE OF THE PROFESSIONAL SECRET**

consisting in the fact that the authorities, by divulging without any right of the shootings made during their search, have greatly prejudiced the social image of these persons. The images in which the televisions presented the filmed persons showed them like dangerous criminals, in humiliating positions.

Miss Irina Zenovei writes in her complaint: **"The Prosecutor said: "All that we film here will not be shown on TV; they represent evidence for the Prosecutor's Office."(...)** The authorization to show these tendentious images, thus violating the stipulations of art. 105 par. 3 P. P. C., that is the broadcasting of the video cassettes with the filmed search, in which there were images with me in humiliating positions, is an immoral offense against my image, directly suggesting that I had committed an offense. Thus, the TV channels PRO TV, ANTENA 1 and TVR showed images that are an immoral offense against my personal dignity, without asking for my permission to present these images."

### **ART. 217 PENAL CODE**

### **DESTRUCTION, referring to**

### **ART. 246 PENAL CODE**

**WHITE-COLLAR CRIME**

Consisting in the gendarmes' entrance by force into 16 buildings, at the **prosecutors' order** who were supervising the action, situation in which **the doors, the windows and many other goods in the houses were destroyed in absolutely all the buildings**, although the persons found there were explicitly willing to open or unlock the door that had not been broken until then. Thus, they have violated the provisions of **Art. 105 par. 1 P. P. C.** and of **Art. 104 P. P. C.** which states that, before doing the search, the judicial body is obliged to prove its identity and show the search warrant given by the judge. The judicial bodies had a defying and threatening attitude towards the persons who asked for a search warrant.

**Art. 247 PENAL CODE****WHITE-COLLAR CRIME BY RESTRICTING CERTAIN RIGHTS**

Consisting of the fact that the prosecutors forbade the persons their right to contact a lawyer or a family member; all their mobile phones were confiscated and when the persons repeatedly asked: "why do all these things happen?", they were answered that the reason was the fact that they were yoga practitioners.

Thus, both alternative aspects of this offense coexist: the restriction of using or exercising a right (that is, the right to freedom, the right to counsel, etc.) as well as putting a citizen in an unfavorable position on grounds of race, nationality, sex or religion. It should be mentioned that even if only one of the two material elements were present, the constitutive elements of the above mentioned offense are summoned.

De facto, all these raids were aimed only at the yoga school followers.

Miss Ana-Maria Panescu states in her declaration: "After they had known us better, the gendarmes even showed us sympathy and advised us to give up the Yoga course so that we do not encounter any further problems in the future."

**Art. 247 PENAL CODE****ABUSIVE BEHAVIOR****referring to Art. 267 ind 1 PENAL CODE****TORTURE**

Consisting of the use of offending words and expressions referring to all the found persons and also of the brutal treatment and other violent acts that some of these persons had to suffer. The persons were treated like delinquents, thus being **punished** for unreal facts, of which they were ungrounded suspected for having committed: prostitution, drug consumption, illegal arm possession, facts whose existence even the authorities have eventually denied. Moreover, although these people were treated like delinquents, they were all interrogated as **witnesses** at the Prosecutor's Office. All these **prepense sufferings and pains** were based on the discriminating ground that these people are yoga practitioners. By pressures and intimidation they tried to pull out testimonies or pieces of information from these persons; they tried to bring them in a certain psychical state, in which, without lawyers, they would have declared what the authorities dictated at the inquiry, that is aspects that could incriminate Mr. Gregorian Bivolaru.

Mrs. Violeta Hoscevaia, a citizen of the Republic of Moldavia, licentiate in Pedagogy and Psychology: "I was searched and threatened with shoot guns without being told why all these were happening. I was absolutely shocked and scared (...). I have been forced to stand for three hours without water and with heart pains (...). Ever since all this happened to me I do not feel safe anymore as a citizen, both physically and legally."

Doctor Mirela Chiroiu, now psychiatric resident in France and yoga practitioner for 12 years: "I specify that during the search I had to suffer a big psychic tension and even today I feel a state of post-traumatic stress."

Miss Irina Zenovei wrote: "Camouflaged gendarmes were walking next to us and I remember the fear and terror I felt when they were passing with their sound-making boots exactly next to my nose and face and sometimes they hit my legs like by mistake. In my whole being I could feel only terror and dread (...) I was having my menstruation and after this exaggerated abuse (...) I had mostly states of shivering, faint, stress, shock."

Miss Octavia Maria CapĂ lnean: "My bracelet has caught on the person next to me and I could not move quickly (to lie down with my face to the floor). The Prosecutor that had just got to that floor hit me with his leg to lie down faster, using obscene words that I do not remember anymore, as I was in a state of shock and I did not understand what was going on, why they were behaving with us as if we were some dangerous delinquents. In order to intimidate us, every time they passed by us they stepped on us and let on purpose their guns touch different parts of our bodies and especially our heads (...) They were permanently talking obscenely and they threatened us with death: that they would blow out our brains if we move (...) As I refused to reveal my identity in front of the video camera because I did not have any ID with me and as there wasn't any lawyer, the Prosecutor ordered that I should be handcuffed and hang to the luster (...)"

Miss Domnita Mihaela Vasile: "I was in my bed sleeping and I was surprised by the strong sounds made by the broken windows, destroyed objects and also by the shouting of the

gendarmes threatening: "Hands up! ", "Face to the wall!", "Stay there, don't move!", "I kill you if you make one more step!", "I kill you if you move!" (...) I was dragged out of the room by force, put with the face to the ground, immobilized for one hour (...) When I asked to be told why I was treated like this, I heard: "Put your head down and do not make more comments, you bitch! You know very well what you have done!" (...) The violent and obscene language of the gendarmes, and especially of the prosecutor, made me feel sick; I felt my freedom violated (...) Although I requested a human behavior, as there was no piece of evidence against me, I was pushed forcefully, thrown to the ground, sequestered for more than 12 hours, without food, rest and in tension."

Mrs. Victoria Cutenco: "They broke the door window, although it was not locked (...) They pushed me to the floor that was full of pieces of glass; they threatened me and pointed the arms towards me (...) The camouflaged persons forced the girls to enter the room - they were barefoot and could not walk on the pieces of glass - one of the girls was pushed through the broken window of the door, she cried out of pain and fell down on the glass pieces. We were forced to sit on the floor on the pieces of glass."

Miss Nicoleta Roxana Cojocaru: "I saw when one of my colleagues did not get on the floor immediately she was pushed by one of the gendarmes to the floor. While falling, her head hit the whetstoned floor and her eye turned blue. There were three persons down on the cold floor and we did not know what was going on because no one had told us."

Mr. George Calin Salagean: "I heard feet smashing the door, I got out of the room and I shouted to them not to destroy the doors as I had the keys to unlock them. A gendarme came to me and pushed me to the ground by hitting my back head (...) When I asked for a lawyer, two gendarmes came to me and started to beat me, saying that they would kill me if I continued to talk. I went on talking and they started to hit me with their boots on my feet, to slap my head and to jump over me with their boots (...) At one point they grabbed my head and stroke it towards the floor."

We mention the cases of :

- Mr. George Calin Salagean, whose traumatisms were ascertained by the medico-legal certificate A.2/1241/2004 from 19.03.2004;
- Miss Anca Claudia Todea with the medico-legal certificate A.2/1253/2004 from 20.03.2004

#### Art. 193 PENAL CODE

##### MENACE

The case of:

- Mr. Marian Deciu, who was told the following by the gendarme who was guarding him: "If I close the door and I stick you against the wall a little bit (...) I push you a little, then I trip you up and then I report that you wanted to escape and I fire all the load into you, so I shoot you like rabbits!"

#### Art. 266 paragraph 1 PENAL CODE

##### ILLEGAL ARRESTMENT AND ABUSIVE SEARCH

Although **all the persons** taken by force to the Prosecutor's Office were interrogated as **witnesses**, they were **confined against their will** and kept for **14-18 hours** in order to give statements about their intimate life, about the relationship they have with Mr. Gregorian Bivolaru and about their religious and philosophical beliefs. Thus, according to the judicial practice (the Supreme Court, s. Pen., compl. Mil., dec nr. 42/1973), it was decided that: "The confinement of a person without grounded indications that he/she has committed a fact stipulated in the penal law and without being given a confinement ordinance is considered a fact stipulated and sentenced by the art. 226 par. 1. It is of no importance if the person has not been confined for more than 24 hours, as long as this measure was taken without abiding the legal conditions."

All these offenses were committed against **all the persons** taken during the searches, some of them being the victims of such particular penal facts as:

**Art. 105 par. 2 P. P. C.** has been flagrantly violated because goods and personal objects were taken that had nothing to do with the cause (**money, watches, perfumes, jewelry, books**, etc.), thus exceeding the prerogatives of the search warrant. In some cases, which will be presented in detail, these goods have not been mentioned in the official search reports, aspect that comprises the constitutive elements stipulated by :

#### Art. 208-209 PENAL CODE

##### AGGRAVATED THEFT AGAINST PRIVATE INTERESTS

Consisting in the fact that:

- Mr. Crie Pierre Gerard, French citizen, was taken away: passport serial no. 02 VD 47370 4, professional photos and negatives made in Tibet, India, France and Romania, laptop MACINTOSH, Power Book G4, serial no. QT 24512LN4L, colour reversal films, mobile phones: Zapp-Hyundai serial no. K 201014264 and Motorola with SIM serial no. MSN A282BJ33JT, 277 CD-s and other things.

- Miss Magda Stefanescu was taken away from the house on Peleaga str., no. 5, birth certificate and work book, both in original, clothes, make-ups, travel ID, and other goods of personal use. None of these objects previously mentioned is mentioned in the search report.
- Mr. Costin Corneliu V. Neacsu was taken away from the house on Peleaga str. no. 5, in his absence, ID card (GT 826487) released by the Pitesti Police, soldier's record, driving license, IDs, personal photos, money, keys, birth certificate, audio cassettes, CD-s, and a briefcase containing money, acts, a photo camera, a mobile phone and a work agenda.
- Mr. Marian Ilie was taken away keys, wallet, money, and herbs needed for a naturist cure.
- Miss Veronica Daniela Dreptate was taken away a laptop HP, an MP3 player, IDs, 140 Euro.
- Miss Liliana Motocel was taken away: IDs, 210 Euro, gold jewelry, photo cameras.

#### **Art. 211 PENAL CODE**

##### **ROBBERY**

The cases in which **by means of violence and fire-armed threat, ATTENTION!, persons passing on that street, thus not being mentioned in any search warrant**, were deprived of their personal goods. Those goods were illegally appropriated by the judicial bodies **without being mentioned in any record**. These facts have been committed against Mr. Constantin Tanase, Marius Monete, Dunare Haralambie Danut, and Miss Camelia Beatrice Pelin.

For example:

- Mr. Constantin Tanase states: "I was driving my personal car when I was stopped by armed gendarmes, I was identified and grabbed by force, threatened by fire guns, without any explanation, and forced into the house on Veseliei str., no. 64, where three gendarmes stole my personal objects: 2 mobile phones, a camera, a digital camera, a pocket mini-computer PALM M 505, a Connex SIM, etc.; these goods have not been mentioned in any record."
- Mr. Danut Dunare: "I was in a car on Veseliei str. when the gendarmes surrounded us and forced us enter the house no. 64 (...) I was pushed and brutalized; my mobile phone was taken away."
- Miss Beatrice Camelia Pelin: "While being driven on Veseliei str., I was drawn aside, taken by force out of the car, being threatened by fire guns (...) I was abusively searched, without being shown any search warrant and without being told why I was confined. They stole my camera, my mobile phone and... my documents."

#### **Art. 192 par. 2 PENAL CODE**

##### **ILLEGAL ENTRY**

The case of the house on Turturica str., no. 103, consigned to Mr. Marian Cobuz, where they entered using the same barbarian methods without any search warrant.

- Mr. Marian Cobuz writes in his declaration: "I was dragged in the hall of the house threatened by fire guns; there we were summoned to lie down on the floor and we were bodily searched (...) After one hour of terror, during which I had repeatedly asked for a search warrant, the gendarmes drew back, one of them apologizing and saying that they had only checked the access ways."

#### **Art. 261 PENAL CODE**

##### **HINDRANCE FROM TAKING PART WITHIN A TRIAL**

In the next stage of the search, that of the interrogations made at the Prosecutor's Office by the Bucharest Appeal Court, **the lawyers were forbidden their access to the interrogated persons! The lawyers have been violently cast out; thus the authorities violated the right to defense of the so-called injured party, junior Madalina Dumitru, a right ensured both by Art. 6 P. P. C. and by the Romanian Constitution.**

#### **Art. 261 par. 1 corroborated with Art. 266, par. 3 PENAL CODE**

##### **ATTEMPT TO DETERMINE PERJURY.**

##### **ABUSIVE SEARCH**

The investigators did not decline their identity, but they could easily be identified by the interrogated persons. During the hearings, the search bodies uttered threats and behaved violently in order to obtain perjury.

In their attempt to make the interrogated persons give perjuries against Mr. Gregorian Bivolaru, they also resorted to pressure, coercion and intimidation. These methods are

referred to by the following articles of P. P. C.: **Art. 68 P. P. C.** regarding the **interdiction to use intimidation methods**, **Art. 86 P. P. C.** regarding the means and the limits of a witness' hearing, **Art. 71 P. P. C.** and, respectively, **Art. 74 P. P. C.**, as these persons have been told neither the hearing grounds nor the facts and the circumstances for whose evidence they were heard!

**In order to force them give declarations, the prosecutors categorically refused the interrogated the legal right to counsel. They even made use of such threats as: "If you insist in asking the right to counsel, I'll put you to jail!"** (Mr. Nicolae VĂȃrbanescu's statement).

bull; We quote the statement of Mr. Ilie Marian: "We were taken to the Prosecutor's Office under escort, like delinquents, confined until 1-2 o'clock a.m., when another prosecutor took us and, using various kinds of threat methods - either subtle or violent - forced me to give such statements as were convenient only to them. They wouldn't allow us to bring a lawyer, although he was in the same building with us. When I refused to give a statement, they threatened me very impulsively. They used all kinds of intimidation tactics in order to make me write it, under pressure and violent threats against myself and my family: "You, don't you want to see your wife and children anymore?"

**Mass media** were also used in order to support this scenario, at which both the Secret Service SRI and U.M. 0962 and the Prosecutor's Office and the Gendarmerie (that acted out of a political order). For several weeks the mass media have instigated the population against the yoga practitioners both through **very serious calumnious accusations, which not being grounded were changed every day**, and through **disinformation, trick shots, truncations, denigrations and calumnies**. They aimed at justifying the authorities' acts in the eyes of the public opinion.

Although a part of the press has relatively quickly understood that it's nothing but a political maneuver organized at the highest level, almost all the Romanian televisions and several national and local daily papers eagerly continued to instigate people to disregard and discredit the yoga practitioners.

A natural question arises: where does all this servile attitude of some publications and especially of the televisions come from? The answer is the following: Both the televisions belonging to important Government leaders or to their acquaintances (PRIMA, B1, REALITATEA, ANTENA 1) or which are directly controlled by them (TVR 1 and TVR 2), and even such televisions that used to oppose to the present political power (PRO TV) have capitalized on the governors' "clemency" through **deletion of the millions of dollars' debts they had had to the state budget**.

Taking into consideration these pieces of evidence of interested "friendship" behind which the blackmail is obvious, no wonder that in our country the mass media's objectivity leaves much to be desired. It is now a maneuver tool in the hands of the present governors.

This cooperation between the Government, the Secret Services, Police, the judiciary system and a part of the mass media led to the commitment in aiding and abetting of the offense stated by:

#### **Art. 324 PENAL CODE**

#### **PUBLIC INSTIGATION AND JUSTIFY OF OFFENSES**

Numerous people have been victims of these offenses. They have been disregarded by friends or society, chased out of their homes by their parents or fired. Others live a continuous state of terror that they could lose their jobs, esteem and respect of relatives and friends if one finds out that they are yoga practitioners, because several yoga colleagues are already publicly disregarded and abused.

Thus a direct consequence of the authorities' acts are the calumnious and very serious statements made by the President of the National Federation of the Public Functionaries, Bogdan Draghici. In the newspaper "Ziarul" on March 31st 2004, he stated that they **work in the whole country to identify all the public functionaries practicing yoga and to make a list of them** that will eventually be delivered to the press. The public functionaries practicing yoga were thus calumniated as being corrupt, as having hushed up some supposed MISA offenses in exchange for some money or sexual favors. But Mr. Draghici, as it used to be under the communist Government, does not even give one single such example! Here is where he found the big corruption in Romania! Not among the greedy politicians whose fabulous fortunes - consisting of luxurious villas, latest generation cars and very profitable companies - are well known and defy the common people, but among the yoga practitioners who live a simple life, according to the ageless yoga principles. The houses of these persons are actually placed in the cheapest areas of the towns and cities. Putting aside these hilarious statements about people who "are to be identified" for taking bribe, we cannot ignore the fact that this accusation is made exclusively on the **discriminating** criterion of one's religious belief, without any piece of evidence: according to Mr. Draghici, to be a yogi means to be a delinquent.

His calumnious statements as well as the envisaged actions are and contain constitutive elements of the following offense: **threat and white-collar crime by limitation of certain rights**, as a consequence of the public instigations done through mass media by the authorities against our yoga school students.

Although the present memorial refers to the abuses on March 18th we must mention that the abuses of the authorities continued with the arrest of Mr. Gregorian Bivolaru, based on a perjury taken (by violence and without a lawyer) by the prosecutors from junior Madalina Dumitru.

In fact, the authorities aim at **covering the serious abuses done meanwhile** and desperately attempt to justify several extremely vaguely formulated search warrants, and especially some **phone listening warrants** declared by the authorities. According to the effective Penal Procedure Code, the phone listening warrants are given only for very serious offenses: drug traffic, traffic in arms, traffic in persons, money laundering - such offenses that mass media has been accusing the yoga practitioners these days without any piece of evidence.

However, the Prosecutor's Office perseveringly aims at incriminating innocent people of offenses that would justify all these abuses. Here we can mention the authorities' action in April 2004, in which all the yoga female practitioners from all over the country, who are junior or who have lately become major, have been cited and interrogated at the Prosecutor's Office concerning their intimate life. Basically they have been asked if they had had sexual relations with Mr. Gregorian Bivolaru.

We don't know if Mr. Gregorian Bivolaru's intimate life has become an obsession of the Romanian authorities - but we know for sure that this new action proves beyond doubt the dishonesty of the Romanian authorities towards our organization.

**We are confident that through your kind help and support the cessation of these illegal actions will be achieved - actions they defy the Romanian legislation and the fundamental human rights.**

**Thank you!**

**Respectfully yours,**

**M.I.S.A. President,  
NICOLAE CATRINA**

\*\*\* We attach to the present Memorial a partial list of **68 victims** of these offenses made by the Romanian authorities. This list will be completed to include all the persons who were abused on March 18th - 19th 2004.