

A yoga group wins an important case at the European Court: Romania must pay EUR 291,000 to the victims

Amarandei and Others v. Romania (no. 1443/10)*

See video showing the violence of the Romanian police and their disrespect for the yoga practitioners at <http://bit.ly/1rzs4N3>

HRWF (28.04.2016) – *Human Rights Without Frontiers Int'l (HRWF Int'l)* hails the decision of the European Court in a case filed against Romania by yoga practitioners of the “Movement for Spiritual Integration into the Absolute” (MISA).

From 8th to 16th May 2013, *Human Rights Without Frontiers Int'l (HRWF Int'l)* carried out a fact-finding mission in Bucharest to investigate a wide range of problems faced by yoga practitioners in Romania and published a [23-page report](#) entitled “MISA, Gregorian Bivolaru & Yoga Practitioners in Romania” covering the following issues:

- Introduction
- MISA and its Yoga Schools: Now and Before
- Mediabolization & Social Panic
- Testimonies of Victims
- Conclusions

HRWF Int'l delegation met numerous people who were victims of judicial and media harassment as well as discrimination, because they were practising yoga in MISA schools: artists, teachers, engineers, medical doctors, professors and so on. Some even lost their job or their clients because of anti-MISA media campaigns intruding in their private life: a judge, a military, a policeman, a journalist, a medical doctor... An exceptional case involved a young female adult who was abducted by her family, confined to a psychiatric hospital, forcibly submitted to an inhuman medical treatment during two months and further confined by her family for nine more months in order to convince her to give up her yoga practice.

HRWF Int'l also talked with the chair of MISA's board of directors, the personal representative of MISA's spiritual leader Gregorian Bivolaru who is now living in Sweden as a political refugee, lawyers defending the rights of their clients, a former military judge, the head of APADOR (Association for the Defence of Human Rights in Romania) as well as a representative of Romanian civil society at the European Economic and Social Committee.

HRWF Int'l visited an ashram and the library of MISA which was vandalized several times.

HRWF Int'l also had meetings with the National Institute of Human Rights, the National Council Combatting Discrimination and the Ombudsman (The Lawyer of the People) as well as with a representative of the Swedish embassy. The spiritual leader of MISA, Gregorian Bivolaru, had asked and obtained political asylum in Sweden in 2005 on the basis of a decision of the Supreme Court in Stockholm.

HRWF Int'l studied many court decisions, the media coverage of the 18th March 2004 police crackdown on 16 private homes of yoga practitioners and the ensuing judicial proceedings, two sociological surveys about MISA and the report of a Swedish anti-sect expert and theologian.

Last but not least, *HRWF Int'l* attended a hearing of the Supreme Court of Romania in the case of Gregorian Bivolaru, initiated against him in 2004, for charges of trafficking and engaging in sexual intercourse with several minors.

Gregorian Bivolaru and the people practicing yoga according to his teachings started to be harassed and repressed as early as the 1980s when Ceausescu banned this sort of activity. The accusations targeting Mr Bivolaru, distorted and amplified by the media, are the main source of the problems faced by MISA yoga practitioners in their personal and professional lives over the last ten years.

In this report, *HRWF Int'l* decided not to publicize the names of those who were interviewed; instead, their initials are used so as to preserve their privacy. Many of them had already tremendously suffered from unwanted media exposure and are still traumatized by this experience.

Press release of the European Court

The applicants are 26 Romanian nationals who are members or supporters of the "Movement for Spiritual Integration into the Absolute" (MISA), a not-for-profit association registered under Romanian law.

The case concerned the applicants' allegations of abuse during a police operation to search a number of buildings belonging to the association.

On 18 March 2004 a police operation was carried out in 16 apartment blocks housing members of MISA who were suspected by the public prosecutor's office at the Bucharest Court of Appeal of making fraudulent use of computer software to produce and disseminate pornographic images on the Internet and of sending members of the association abroad for the purposes of prostitution.

Around 130 members of a military anti-terrorist squad took part in the operation. According to the applicants, the operation began with the doors and windows being broken while most of them were asleep. Heavily armed and masked members of the armed forces allegedly burst into their rooms and forced the applicants to lie on the floor until the arrival of the prosecutors, who refused to show a search warrant or to inform the applicants of the reasons for the operation. The applicants' mobile phones and numerous personal items were confiscated. The applicants also allege that they were insulted and humiliated and were deprived of food and water. They were only allowed to go to the toilet accompanied by a law-enforcement officer and were forced to leave the door open. The operation was allegedly filmed and extracts were broadcast in the media. That afternoon, the applicants were taken to the offices of the prosecution service for questioning. They were allegedly threatened and insulted with a view to obtaining statements, which were partly dictated by the prosecutors, relating to their intimate private lives and implicating the leader of the MISA. The applicants further allege that they were not informed of the reasons for their detention and were refused access to a lawyer. They were released after several hours in detention and no charges were brought against them. The Government contest the applicants' version of events, stating in particular that no verbal or physical violence was used during the searches or the transfer to the prosecutor's office, or when the applicants were being questioned.

On various dates the applicants lodged a number of complaints concerning the abuse to which they had allegedly been subjected on the day of the operation, the conduct of the prosecutors and the members of the armed forces, and their detention. The proceedings resulted in decisions not to prosecute which were upheld by the competent higher courts.

Relying on Article 3 (prohibition of inhuman or degrading treatment), the applicants complained of being subjected to ill-treatment during the police operation on 18 March 2004 and of the lack of an effective investigation. Under Article 5 § 1 (right to liberty and security), they alleged that they had been detained arbitrarily on 18 March 2004 during the search, during their transfer to the offices of the prosecution service and when they had been questioned. Relying on Article 8 (right to respect for private and family life), they complained about the house and body searches carried out, the seizure of their personal items and the broadcasting in the media of footage filmed during the police operation.

Violation of Article 3 (degrading treatment) – in respect of Liliana Amarandei, Mirela Avădăanii, Nicoleta Roxana Cojocaru, Oana Roxana Doldor, Violeta Enăchescu (Hoscevaia), Elena Simona Frînculeasa, Mariana Cipriana Lazăr, Amalia Lucachi, Iulia Lupescu, Rose Marie Mândru, Laura Obreja, Simona Opreapopa, Ana Maria Panescu, Beatrice Camelia Pelin, Rodica Petre, Iuliana Radu, Elena Sima, Daniel Stanciu, Catrinel Stoenescu, Ștefan Raul Szanto, Tatiana Tănasă, Constantin Tănase and Florin Mihăiță Țuțu

Violation of Article 3 (investigation) – in respect of Liliana Amarandei, Mirela Avădăanii, Nicoleta Roxana Cojocaru, Oana Roxana Doldor, Violeta Enăchescu (Hoscevaia), Elena Simona Frînculeasa, Mariana Cipriana Lazăr, Amalia Lucachi, Iulia Lupescu, Rose Marie Mândru, Laura Obreja, Simona Opreapopa, Ana Maria Panescu, Beatrice Camelia Pelin, Rodica Petre, Iuliana Radu, Elena Sima, Daniel Stanciu, Catrinel Stoenescu, Ștefan Raul Szanto, Tatiana Tănasă, Constantin Tănase and Florin Mihăiță Țuțu

Violation of Article 5 § 1 – in respect of Liliana Amarandei, Mirela Avădăanii, Nicoleta Roxana Cojocaru, Oana Roxana Doldor, Violeta Enăchescu (Hoscevaia), Elena Simona Frînculeasa, Mariana Cipriana Lazăr, Amalia Lucachi, Iulia Lupescu, Rose Marie Mândru, Marius Monete, Laura Obreja, Simona Opreapopa, Ana Maria Panescu, Beatrice Camelia Pelin, Rodica Petre, Iuliana Radu, Elena Sima, Daniel Stanciu, Catrinel Stoenescu, Ștefan Raul Szanto, Tatiana Tănasă, Constantin Tănase and Florin Mihăiță Țuțu

Violation of Article 8 – in respect of all 26 applicants

Just satisfaction: EUR 12,000 each to Liliana Amarandei, Mirela Avădăanii, Nicoleta Roxana Cojocaru, Oana Roxana Doldor, Violeta Enăchescu (Hoscevaia), Elena Simona Frînculeasa, Mariana Cipriana Lazăr, Amalia Lucachi, Iulia Lupescu, Rose Marie Mândru, Laura Obreja, Simona Opreapopa, Ana Maria Panescu, Beatrice Camelia Pelin, Rodica Petre, Iuliana Radu, Elena Sima, Daniel Stanciu, Catrinel Stoenescu, Ștefan Raul Szanto, Tatiana Tănasă, Constantin Tănase and Florin Mihăiță Țuțu, EUR 6,000 to Marius Monete and EUR 4,500 each to Ioana Mihaela Butum and Liliana Motocel in respect of non-pecuniary damage.

ECHR unequivocally states that Romanian authorities have majorly violated human rights when handling the case of MISA

Soteria International (27.04.2016) - For almost a decade Soteria International has been raising awareness among international and European politicians and Human Rights NGOs about violations of the freedom of religion and belief in Romania in the case of the spiritual movement MISA and its founder Gregorian Bivolaru.

To remind briefly the case: on 18 March 2004 Romanian conducted an unprecedented, massive attack on the spiritual community of MISA yoga school, using brutal force and weapons against its peaceful inhabitants. The attack was broadcasted nationwide,

marking the beginning of one of the most devastating and sinister defamation and marginalization campaign in Romanian media directed against the movement MISA and its followers.

During time, Romania refused to at least look at the human rights violations in this case, and continued with the discrimination of MISA participants.

However, on 26.04.2016 European Court for Human Rights has ruled in favor of MISA participants who were affected by the attack in 2004. ECHR unequivocally states that Romanian authorities have majorly violated human rights when handling the case of MISA!

ECHR decided that the Romanian police operation violated:

- Article 3 - prohibition of inhuman or degrading treatment (the yogis were subjected to ill-treatment during the police operation on 18 March 2004 and of the lack of an effective investigation).
- Article 5 § 1 – right to liberty and security (the yogis had been detained arbitrarily on 18 March 2004 during the search, during their transfer to the offices of the prosecution service and when they had been questioned).
- Article 8 - right to respect for private and family life (the way of house and body searches carried out, the seizure of their personal items and the broadcasting in the media of footage filmed during the police operation).

There are several striking elements in ECHR decision. Among others it states that the operation of 18 March 2004 was planned much beforehand by Romanian authorities, that it was not an emergency response to a threat. Romanian authorities have kept the movement under surveillance for a long time prior to the operation and thus were aware of the nonviolent character of its members. Despite that, Romanian authorities "failed" to inform the executioners of the operation that it is not a military commando operation, but merely a probe searching operation, thus use of such force was not necessary. One of the most serious findings of the ECHR was possible diversion by prosecutors of the object of the search warrant issued by the Court of Appeal: "The Court noted other shortcomings in preparing the operation. Thus, although the warrant issued by the court of appeal the subject of the search was limited to the seizure of information, it seems that this has not been made aware to the Gendarmerie. The latter were informed about an operation to fight drug trafficking and prostitution and therefore have committed a force specific to this type of operation with increased risk. "

This statement once again proves the position adopted by Soteria International in this case and namely that the abovementioned operation was specifically intended to destroy the movement through intimidation, use of force and harassment in court using false pretext of combatting illegal activities. Framing the operation in such a way, gave Romanian authorities the "excuse" to claim that the case is not about freedom of religion and belief, when human rights NGOs were bringing up MISA case.

There is another element in ECHR decision which comes in support to what Soteria International has been vehemently criticizing Romania for. In the follow up of the 18 March 2004 events there were hundreds of complaints submitted to Romanian authorities by yoga practitioners of MISA against unlawful and abusive measures of the commando and prosecutors. ECHR notes that Romanian authorities have not even tried to regard those complaints and to duly investigate what happened and dismissed all those complaints without ground. This once again proves to us that the premeditated nature of the operation was to swiftly annihilate the movement paying no regard to democratic values and human rights considerations. It also proves that Romanian

authorities have acted in a discriminatory way towards yoga practitioners – a fact that Romanian authorities have denied all this time.

On the same day, 18th March 2004, having found no incriminating evidence, prosecutors resorted to forceful extortion, using physical and psychological intimidation and manipulation from one of the minors (17 y.o. at that time) who was residing (temporarily) in the spiritual community. Based on this forced statement, which the respective minor has withdrawn as soon as she was released from police and could contact her lawyer, prosecutors built a court case, which was dismissed in the first trial court and in the appeal court. However the Supreme Court of Romania annulled previous courts' decisions and ruled against Gregorian Bivolaru in a very abusive trial. Romanian authorities continued with abuses and in January 2016 wrongfully included Bivolaru in the list of Europol's Most wanted fugitives.

Drawing a parallel with what happened in 2004 and the fact that human rights violations committed by Romanian authorities have been proven now by the ECHR decision, Soteria International reiterates that the inclusion of Gregorian Bivolaru in the Europol's Most Wanted list is yet another premeditated abuse by Romanian authorities. Just as in 2004 Romanian authorities illegally and disproportionately used force with the purpose of intimidation, also now Romanian authorities illegally and disproportionately use European instruments and mechanisms to intimidate and annihilate the spiritual movement MISA, by targeting its founder Gregorian Bivolaru.

Soteria International hopes that European authorities will not tolerate such "bullying" behavior from Romanian authorities, especially since Romania's ascension to the EU was conditioned by MCV in the field of Justice, which obviously still lags much behind.

Romania must pay EUR 291,000 to controversial yoga group members

Romania Insider (27.04.2016) - Romania must pay EUR 291,000 to 26 members of the Movement for Spiritual Integration into the Absolute (MISA), whose rights had been violated during a police operation that took place in March 2004, the European Court for Human Rights (ECHR) in Strasbourg ruled on Tuesday, April 26.

MISA is a famous yoga movement founded by controversial Romanian guru Gregorian Bivolaru. MISA and its leader Gregorian Bivolaru have been accused of various illegal activities over the years and Bivolaru has even been convicted by Romanian courts. However, MISA representatives have always claimed that they were persecuted by the Romanian authorities.

On 18 March 2004, the Romanian police carried out an operation in 16 apartment blocks housing members of MISA, who were suspected of using computer software to produce and disseminate pornographic images on the Internet and of sending members of the association abroad for prostitution.

Around 130 members of a military anti-terrorist squad took part in the operation, which was aimed at gathering evidence against MISA leader Gregorian Bivolaru.

The MISA members have complained to the ECHR that the police broke the doors and windows while they were asleep, forced them to lie on the floor, confiscated their mobile phones and personal items, insulted and humiliated them, and deprived them of food and water, without even showing a search warrant.

"They were only allowed to go to the toilet accompanied by a law-enforcement officer and were forced to leave the door open. The operation was allegedly filmed and extracts were broadcast in the media," according to the complaint filed to the ECHR.

The prosecutors took them for questioning and allegedly threatened and insulted them to get them to sign partly dictated statements against the MISA leader. These statements also included details from their intimate private lives. They were released after a few hours of questioning and the prosecutors filed no charges against them.

"The Government contest the applicants' version of events, stating in particular that no verbal or physical violence was used during the searches or the transfer to the prosecutor's office, or when the applicants were being questioned," the ECHR noted. The allegedly abused MISA members filed complaints in Romanian courts but these were rejected, so they decided to seek justice at the Human Rights Court.

The Court awarded EUR 12,000 just satisfaction to 23 of the applicants, EUR 6,000 to another one, and EUR 4,500 to two other.

This is the second big case Romania has lost at the European Human Rights Court in the past weeks.