

## **President Klaus Iohannis receives a call to pardon Gregorian Bivolaru**

HRWF (01.08.2016) - On 26th July 2016, Gabriel Andreescu, one of Romania's biggest anticommunist dissidents and director of the human rights NGO APADOR, sent a letter to Romania's President Klaus Iohannis to ask him to pardon Gregorian Bivolaru sentenced to 6 years in prison and extradited by France in July last. From among his various works, it is worth mentioning:

- "The repression of the yoga movement in the 80's" (Polirom, 2008)
- "MISA. The X-ray of a repression" (Polirom, 2013)
- APADOR-CH reports on the MISA case.

The letter was published by the website of Ziarulring:

<http://www.ziarulring.ro/scrisoare-gratiere-gregorian-bivolaru-iohannis>

### **"To His Excellency, Mr. Klaus Iohannis, President of Romania**

#### **Concerns: Call to pardon Gregorian Bivolaru addressed to His Excellency, Mr. Klaus Iohannis, President of Romania**

Dear Mr President,

I am sending you now a request to pardon Gregorian Bivolaru, Romanian citizen sentenced in 2013 by the HCCJ (High Court of Cassation and Justice) to 6 years of prison. Having obtained political asylum in Sweden, he has been caught in February this year in France, and brought to Romania in compliance with the extradition decision of the French judges from July 13th, 2016. The decision made by the HCCJ in a show-session has trespassed elementary fairness requirements and denies the fact that at the time of the declared offence, "sexual relationship with a minor", she was 17, consent age, and she denied having had such a relationship. In 2015, the Bucharest Court has set that the interceptions used in the trial were illegal.

I address you this request as Gregorian Bivolaru and the adepts of the Movement created by him, MISA, are the victims of a large conspiracy involving public agents and institutions. The repressive action against Gregorian Bivolaru has started in the communist years, when he was arrested, tortured, sent to a psychiatric hospital because he was promoting yoga. The political police character of these acts has been recognised by the Bucharest Court in 2011. His repression, together with his adepts, went on after 1990 and took extreme shapes - including assaults of gendarmes troops accompanied by prosecutors and SRI (Romanian Information Service) officers, declared "barbarous" and based upon "absurd" accusations in 2015 by the Court of Appeal in Cluj. Even Gregorian Bivolaru's arrest in France has been made by forging his sentence by the Romanian Police. "Sexual relationship with a minor" has been transformed, in order to engage the international authorities, into "sexual exploitation of minors and infantile pornography".

The fact that the investigations against Gregorian Bivolaru and MISA, initiated more than 20 years ago, for which the state has spent millions of euros and in which hundreds of public agents have been involved, have led to the sentence for "sexual act with a 17-year-old minor", and nothing else that could motivate such display of force, proves the exceptional nature of this case. The Prosecution, the SRI, the gendarmery, the Ministry of Justice, the Romanian Police have collaborated in order to manufacture "the Bivolaru file". Meanwhile, for the actions against the victims in the Bivolaru - MISA case, the European Court of Human Rights has sentenced the Romanian state to pay over 300.000 euro in the causes *Atudorei v. Romania* (2015) and *Amarandei and co. v. Romania*

(2016). Other complaints filed by Gregorian Bivolaru and MISA have been considered admissible by the ECHR and the trial is coming to an end.

Of course, there are many situations that raise question marks regarding the fairness of the researches and the decisions, or in which we discover painful human histories. I am fully aware that a president cannot be asked, as ultimate authority, to bring justice or to offer compassion in all of these cases. What is happening to Gregorian Bivolaru, however, reaches a critical point: the yoga teacher is the victim of a state conspiracy.

By virtue of his competence to "watch over the observation of the Constitution and over the good functioning of the public authorities" and to ensure "the mediation among the powers of the state, as well as between the state and society", the president of Romania, using the prerogative of "granting individual pardon", can lift a burden from the shoulders of the Romanian state. There is no way for the Romanian democracy to become honourable, therefore stable, as long as against all evidences, power institutions of the state act openly, under the eyes of public opinion, that they lie to in order to mobilise it and to obtain its solidarity, in order to repress a yoga teacher and his adepts.

In support of this pardon request, I mention that Gregorian Bivolaru's physical integrity and life are in danger. For tens of years, instigations to lynch the yoga teacher have been made repeatedly, in collaboration with public agents, and the detention conditions can favour fatal aggressions. In May this year, a yogi has been stabbed at the entrance of a MISA building, in the perimeter of which it had been written, on the walls, "Death to Bivolaru". In June, another yogi has been beaten to blood. The aggressors were blaming his association to Gregorian Bivolaru. The outbursts have followed the announcement made by the Romanian Police, that the yoga teacher had been sentenced for "sexual exploitation of minors and infantile pornography", a forgery and an incitement to violence.

It is for all these are reasons, Mr. President, that I am turning to you and asking you to pardon the Romanian citizen Gregorian Bivolaru, who has already spent about a year behind bars, in Sweden and in France, as a result of the steps taken by the Romanian authorities in connection to the HCCJ decision from 2013. It is, I know, a delicate decision and not popular at all, but so natural coming from a prime high dignitary, faithful to his calling to "watch upon the good functioning of the public authorities" and "the observance of the Constitution".

Given the particular relevance of the Gregorian Bivolaru case for the Romanian society, I make this call for pardon public.

With consideration,  
Gabriel Andreescu

(Author of the APADOR-CH reports on the MISA case)"