

PROVISIONAL REPORT OF
THE ASSOCIATION FOR THE PROTECTION OF HUMAN
RIGHTS IN ROMANIA – HELSINKI COMMITTEE
(APADOR – CH)
ON MISA CASE

February 2005

1. MISA: Evolution of the Case

After the campaign against the Movement for Spiritual Integration into the Absolute (MISA) (re)started in March 2004 by violent raids of over 300 gendarmes, prosecutors, policemen and Secret Services agent, as well as by massive media manipulation, the victims — MISA members and persons who attend yoga courses organized by MISA — lodged complaints at the General Prosecutors' Office. Until February 2005, none of these complaints received a positive answer. The sole evolution in recognizing the rights of the victims was to notify them — at the beginning of 2005 — that they may get back the personal stuff taken during the raids. The persons who went to take their stuff claim that the prosecutors used insulting language and the process goes slowly: until now they couldn't get back but a little part of their belongings.

In the months following the events on March 2004, the MISA case developed as follows: violence against MISA members has continued; the media and institutional instigations against MISA went on; serious cases of persecution/discrimination appeared against civil servants that attended yoga courses organized by MISA; the situation of minor Mădălina Dumitru, arrested in March 2004, became worse in a way that is incompatible with the principles of minors' protection; the Prosecutors' Office seems motivated to "create" pieces of evidence against the MISA leader, Gregorian Bivolaru (who meanwhile escaped the arrest), and against MISA (by using the company Extaz SRL).

2. Actions against MISA Members: the Case of Atudorei Mugurel-Calistrat and Dana Crăescu

Atudorei Mugurel-Calistrat and Dana Crăescu have attended yoga courses organized by MISA. Approximately one year before all these happened, the parents of Dana Crăescu — who is an adult — had taken her by force in order to put her in a mental institution in Iași. However the doctor refused to intern her, ensuring her parents that Dana Crăescu has no mental illnesses.

On January 19th 2005 the two went to the “Marriage House” in Bârlad to get a duplicate of her birth certificate. They had filed the request and when they came back to take the certificate, they were surrounded by Danei Crăescu’s family: Crăescu Dan, Crăescu Mariana, Crăescu Radu. They dragged the young lady into a car, against her will, depriving her of liberty. During this action, the three hit Atudorei Mugurel-Calistrat as he tried to protect his fiancé. (There is a medical certificate that proves this.) After the sequestration, Atudorei Mugurel-Calistrat went to the domicile of Dana and her parents, accompanied by the Police. There somebody in the house told them that Dana Crăescu — 21 years old — had been taken to the “Madhouse”.

According to the statement of Atudorei Mugurel-Calistrat, on the same day, January 19th 2005, he went with a friend, Nechita Tiberius Aurel, to Bârlad Police Office in order to file a denunciation and a complaint against Crăescu Dan, Crăescu Mariana, Crăescu Radu and the other persons who participated in the kidnapping of his fiancé and who are still unknown.

According to the intimation of Atudorei Mugurel-Calistrat, the officer on duty, Oiță George, refused to receive and register the denunciation and the complaint. In the presence of Atudorei Mugurel-Calistrat, the officer called his superior, sergeant Fânaru, who demanded him not to receive the complaint, as “Dana Crăescu was taken home by her parents”. After a few hours, another officer who replaced the first one, Pavel Ion, also refused to register the complaint. Until February 28th 2005, Atudorei Mugurel-Calistrat could not find his fiancé and assumes that she was interned in a madhouse.

3. Media Instigation and Institutional Instigation: Examples

During the campaign against MISA in March 2004 and in the following period, the media presented the MISA members and yoga practitioners in a calumnious way, suggesting that they belong to a criminal, promiscuous group that is dangerous for the society. They published personal photos of yoga practitioners in the mass-media. The most serious violation of the personal life and protection rights was to send the

personal diary of minor Mădălina Dumitru to the newspapers and to publish it. The girl stated that only her erotic fantasies were written there.

References to Gregorian Bivolaru, MISA and yoga with calumnious content were also published after the campaign in the spring of 2004, less often but consistently, as if to keep the public opinion focused upon it. Another event discussed a lot in the media for a couple of weeks was the one that led judge Simona Lungu to resign (see point 4, (a)). On January 27th 2005, the newspapers Ziua and Gardianul announced a reward of 50 million lei for the persons who give essential information in order to catch the MISA leader, Gregorian Bivolaru. Simultaneously, a TV campaign was announced, beginning with January 24th on the TV channels Realitatea TV, Prima TV, TVR 1 and B1 TV. For several weeks, the media presented periodically images with Gregorian Bivolaru in embarrassing situations, handcuffed, held by policemen with his head downwards. Such actions suggested the chase of a person and were meant to incite the public opinion. This action has as antecedent the insistent deceitful claim, in March 2004, that Bivolaru was taken to the Police by a group of persons, which is like a transparent invitation for the population to act against the MISA leader and members.

A general evaluation of the media behavior leads to the conclusion that they are almost always like an actor deliberately compromising the Movement for Spiritual Integration into the Absolute. An explanation is the permanent input to the media from a state institution that directly and indirectly instigates to actions against MISA: the Secret Services. After discussing with several highly professional journalists, I have put together the arguments feeding their suspicions and antipathies towards MISA:

- The journalists claim that their critiques concern the network around MISA, and not MISA itself;
- They identified the existence of a network of companies whose founders or partners are MISA members;
- They consider that the yoga activities are used to get work force for jobs like entertainer girls, bar tenders, etc.
- One found yoga students on erotic video chats;
- They claim that 17 years old persons have been identified on the video-chat;
- Naturist activities have taken place without authorization from the ministry;
- Selling of naturist medicines were authorized only in 2004;

- They claim there is a list of approximately 370 persons who practiced yoga and were judges, prosecutors, etc;
- The fact that the MISA students are organized “in rings” (?) sounds weird to them.

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During the events on March 18th 2004, the Secret Services openly took on the actions of supervising and harassing MISA. Initially, the Secret Services brought the argument that MISA would be a paramilitary organization and would be dangerous for the national security. The arbitrary character of such affirmations, with no possibility to confirm them in any way, made the Secret Services give them up.

After that, the Secret Services chose to intervene indirectly. Many personal photos got to the mass-media most probably from them. Some newspapers, such as Gardianul, published documents such as the menu in an Ashram or personal photos of yoga practitioners. A privileged relationship between the Secret Services and such newspapers is to be assumed, as such information couldn't have been obtained but with the Secret Services' help.

The Secret Services protested against a MISA demonstration, on November 11th 2004. Gardianul newspaper published the SRI press release.¹ In this document, the Secret Services “*expresses the regret that the Bucharest City Hall allowed MISA to demonstrate right in front of their headquarters*”. The attitude and opinions of the Secret Services towards MISA can be checked out in the following paragraph: “*In the particular case of MISA, the public opinion had the possibility to ascertain not only as to the ideas promoted by the Movement, but also as to the public behavior of its members. In any circumstances, we believe it is the duty of the local authorities to judge correctly the way in which some groups express their rights and the general interests of the society, which expects the state institutions to be responsible and efficient. From this perspective and considering the status of the Secret Services in the civilized world, the decision of the Bucharest City Hall seems to be at least as exotic as the organization to which it granted its approval.*”

The content and the style of this press release proves the general lack of arguments and the impossibility of the Secret Services to find proofs to legitimate its actions against MISA.

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Another institution that seems to make a systematic campaign against the Movement for Spiritual Integration into the Absolute is the Romanian Orthodox Church.

Several priests have spoken against MISA on TV. Various ideas about the danger of MISA and its leader appear in different statements and on several sites of the Romanian Orthodox Church and are part of its propaganda against spiritual esoteric groups. The following passage is representative for the attitude of the Romanian Orthodox Church:

“We wish to alert the people about the main new-age trends that found their place easily in the Romanian society after the Revolution and that, abusing the permissive legislation and the torpidity of the theologians, went deep into the souls and minds of people who were deceived by them. Gregorian Bivolaru is a typical case of a yogi who reached a high state of demonic possession (the demon of depravity) and practices sexual group perversions, reminding us Sodoma and Gomora, the biblical citadels that were burned by God. Moreover, the urine therapy and the urinary ecstasy spoiled the human body meant by God to be the temple of the Holy Spirit. It is obvious that the practices and teachings of Bivolaru are categorically anti-evangelic, antichristian.”

There are many other standpoints of the media, the Secret Services or the Romanian Orthodox Church proving their implication in harassing MISA. In this Report we chose only one example for each of them.

4. Persecution/Discrimination of Civil Servants

The persecution/discrimination of civil servants who have attended yoga courses organized by MISA is a phenomenon that was difficult to prove before March 2004, but meanwhile became a dangerous pattern. It is worth to mention that the number of persons who complained at APADOR-CH concerning pressures and sanctions due to their connection with MISA is bigger than the number of persons who are willing to talk in public about the persecutions. Thus, in September 2004, D.-M.F. came to APADOR-CH claiming that she had been threatened with non-admission at the Faculty of Medicine in Bucharest, irrespective of the examination results, just because she has practiced yoga. After having announced her teacher about her complaint with APADOR-CH, D.-M.F. was admitted to the faculty and her complaint remained confidential. Two of the cases of civil servants could be thoroughly documented as the persons accepted to talk about their situation: Judge Simona Lungu and Grădinaru Lucian.

a. The Case of Judge Simona Lungu

In September 2004, the representatives of the Prosecutors' Office announced that judge Simona Lungu had been identified as one of the artists playing in an erotic movie. Simona Lungu had previously attended yoga courses organized by MISA. Considering this situation as incompatible with her status of magistrate, the Prosecutors' Office sent the „pieces of evidence” to the Superior Council of Magistracy (SCM). The judge had to resign from the position of magistrate in a context that seemed meant: (i) to harm the reputation of the magistrates who practice yoga; (ii) to instigate the judges against persons having contacts with MISA or attending yoga courses.

Simona Lungu denied the accusations and in her explanations she drew the attention upon the moment when this scandal occurred: the Superior Council of Magistracy was to come into “function” on September 30th 2004; on the same date, the first term of the Gregorian Bivolaru trial was to take place.

First, Judge Simona Lungu accepted to resign, but after a few days she changed her mind. She explained that she wanted to allow SCM get over the extraordinary public pressure led by the media. The demission was due to the conjunction. SCM announced the beginning of the investigation with the „pieces of evidence” received from the Prosecutors' Office. The Prosecutors' Office had sent several photos made after the movie with the erotic movie in which Simona Lungu was said to have played. On October 6th 2004 they found, on the received photos, a few moles that allowed the identification. Judge Simona Lungu went immediately to the National Forensic Institute and requested the birth marks on her back to be checked. The moles were missing, thus invalidating the allegations of the Prosecutors' Office. In this moment withdrew her resignation.

Meanwhile, Simona Lungu also identified the person she had been mistaken with in the adult movie. The latter presented herself to the SCM and confirmed her performance in the respective movie, but didn't come to the second hearing.

After the examination at the National Forensic Institute, the Prosecutors' Office sent a second file, a thick one, in which they put photos with the name: Simona Lungu. Then they also sent the results of an „expertise” made by an authorized center of image recognition, which claimed that the person on the video tape was actually Simona Lungu. The judge contested the result of the center and subsequently discovered that the authorization was issued for image recognition of industrial objects and not human beings — which raise specific issues.

Nevertheless, SCM continued the investigation and finally reproached the judge that in 2001 she had the address of a MISA ashram on her ID. The judge had never actually lived there — the building was uninhabited at the moment — but had used

this strategy as nobody would grant her a Bucharest ID and she did not have a house of her own. The ashram was built in 2002. In 2004, in the respective house they investigated a person, yoga student, who was using three computers for chat activities. They started the penal prosecution against that person for fiscal evasion.

In such conditions, judge Simona Lungu resigned from the magistracy. None of the allegations brought by the Prosecutors' Office against her proved right but, under the pressure of the mass media and SCM, she was forced to give up her status.

b. The Case of Policeman Grădinaru Lucian

Grădinaru Lucian, graduate of the School of Police Officers, was employed with the Police Inspectorate of Giurgiu County, then, as of 2002, with the General Inspectorate of the Romanian Police, the Ministry of Administration and Internal Affairs. Between 1994 and 2004 he was appraised as "very good". On May 6th 2004, Mr. Grădinaru was called into the office of main quaestor Dumitru Sorescu, who ordered him to resign from the Ministry of Administration and Internal Affairs. The allegation was that he was a MISA member. According to the affirmations of Mr. Grădinaru, the main quaestor Dumitru Sorescu called him "secret agent", "wizard" and threatened to hit him. Due to such pressures, Mr. Lucian Grădinaru accepted to resign. His resignation was approved. In February 2005, Mr. Grădinaru asked to be employed again, explaining that his former resignation was due to the threats.

In his complaint, Mr. Grădinaru wondered: "*Does the fact that I didn't use to drink alcohol, to smoke, to eat meat, to lie, to take bribe mean... that I am an undesirable person, a person who does not deserve to be part of this institution...?*"

Mr. Grădinaru affirms that he was informed about the existence of an internal memo sent to the police inspectorates, demanding the identification of policemen who practice yoga and their resignation if they refuse to drop their practice.

Until the date of this report, the General Inspectorate of the Romanian Police (the Ministry of Administration and Internal Affairs) has not answer his request.

5. Mădălina Dumitru Case

THE STORY OF MĂDĂLINA (Interview on February 7th 2005)

On March 18th 2004 I was home with my friend Mirona Maria Farcași. We had just woken up; I was barely dressed, only with what I had had on during sleep. I suddenly heard powerful noise. I couldn't believe what was happening. I was so scared that I thought I was still dreaming. I thought I was going to die, I was scarcely conscious. I thought they were thieves when I saw them with the rammer. I shouted: "Mirona, Mirona, somebody came to kill us." We wanted to hide in the wardrobe. Then I thought we should jump out the window (we were upstairs). My heart was beating so hard that I was feeling it in my ears. We didn't have time to do anything. They entered the room. They shouted: „Down, down! Lie down!" One of them came to me and hit my breast with his foot. Down! Down! I hadn't done anything wrong, I was only staring at them frightened.

They said they had a search warrant and we should not oppose, because it would be very bad for us. They started to search the ground floor, then upstairs as well. They kept us like that for half an hour. From time to time they told us not to talk, lest they shoot us. I was telling Mirona: "They're going to kill us."

Two guys came in and told me to get dressed and go with them. The prosecutor (a woman) told me to go with them and not to oppose, lest it would be really bad for me. I barely recognized the house and couldn't find my bag to give them the ID. They were saying to each other: "Where is the minor girl? Where is the minor girl?"

They took me to the Prosecutors' Office and left me on the hall. They told me not to leave as they'd find me anyway. They took me to room 113. They left me alone. Several men came in and did not introduce themselves. One of them told me: "I've heard you're good at astrology." He said he'd bring me a chocolate: "I'll send someone else, to calm you down."

They brought me to some girls on a hall. They asked me: "Do you know any of these girls?" They were prostitutes. They continued and said: "Don't they know you? Are you sure they don't know you?" I was so shocked that, when asked about my mother, if she knew I was in Bucharest, I asked: "My mother who?"

After two and a half hours a prosecutor came in. He told me to write down as they dictated to me, as it would be okay with Mirona as well. "It's also going to be okay for this Bivolaru of yours." Meanwhile he was talking by the transmitter and they were telling him about the objects they found at my home.

A woman came in, saying that she was a psychologist and she would try her best to calm me down. She told me: "Haven't you heard how he makes sex with the women in the Ashrams?" She told me to write Grieg, to write his name. I was resisting, as I knew it was a lie. Then the prosecutor told me: "Let us paint." He had me paint a

tree. I drew a yantra. He got angry and asked me to choose from several colors. From among all the colors the psychologist showed me I chose black.

They asked me whether Bivolaru can influence me through telepathy. They asked me when I started to practice yoga. “In 2002.” They were very surprised, as if they were calculating something. They insisted to write down that I had started in 2001. I didn’t want to. “Why are you a bad girl? Is this what Bivolaru taught you, to be bad? If you don’t write this, you will never leave this place.” The psychologist came to me, pulled me by the hair and said to me: “Why are you stubborn? Why don’t you write what the prosecutor is telling you?” I started to cry and to shiver. “Why do you do that? Is this what they teach you to do?”

My head started to hurt very badly. They phoned to bring me some pills. I calmed down. They told me to write down that I had come to a conference in Bucharest and in the end I had gone to Grieg and had told him I wanted to be his lover.

The prosecutor started to rush. He was saying that someone else would come to replace him and would start again with the questions if I didn’t want to end it now. From time to time they had me sing, trying to draw away my attention, to calm me down and have me write. They told me: “If you hang together with those of Bivolaru’s, what can we do? Just write down what we tell you to and it’s going to be okay both for Mirona and for this Bivolaru of yours.”

[While she was giving this statement, **Adina Solomon**, the lawyer of Mădălina Dumitru, was trying to get to her, but she was not allowed.]

They took her back by car, after midnight.

[**Adina Solomon, lawyer:** On April 1st I wanted to lodge a complaint, to tell the truth. We went in of our own and then they showed us the warrant to appear. [M.D. was together with Adina Solomon.] From then on we were no longer allowed to get out. They said: “You are under the force of a warrant to appear.” They pretended the file was not there and Grieg’s file was being examined. When we entered they gave us an ordinance for gynecological examination. There is a record filed, that Mădălina refused to undergo such an examination, as she was embarrassed.]

Several cars brought her to the National Forensic Institute. There all the doors were blocked; nobody could get in or out. “I wanted to get out, as I refused to have this gynecological examination. They only let us out, when the yogis came and made the spontaneous demonstration at the National Forensic Institute.”

“The doctors were shocked. The gendarmes and prosecutors were effectively drawing us back and forth. A policeman was really pinching me and blued my skin, as he was so nervous...”

“When we got out, they put us in a big car, with masked gendarmes, and took us out through the back door. I think they were 30 of them running along with us. They brought us to the Bucharest Police, saying that my family is waiting there for me. They didn’t let Adina [Solomon] and Remus [the fiancé] come along, pretending they didn’t have the right to.”

[Adina Solomon, the lawyer: The masked gendarmes were always interposing between the two of us. They denied my mandate. They have kept Mădălina in the Prosecution Department for 3 hours, for 5 hours in the Forensic Institute; to force her, they kept her there under pressure. Mădălina went to the Prosecution Department because she was considered as an injured party. But in the file of the Prosecution Department she appeared as witness, there is a witness statement (there are two statements). The prosecutors turned them into complaints of an injured party. The next day she came to the Prosecution Department to lodge a complaint against the prosecutors who had heard her as a witness. Everyone ignored her. No original complaint of Mădălina is attached. The General Prosecutor of the Prosecution Office of Bucharest Court of Appeals, Bălan, denied this complaint as groundless and concluded that Mădălina is the injured party.]

“I got sick at the Bucharest Police. I couldn’t even stand. A woman brought me 2 phials of calcium. They told me to wait for my family. From time to time they told me my family was going to take me away, they were making a statement on one floor or another. In one hour’s time they told me that my folks had already left for Constanța and we would meet at home. They did not allow me to talk to Remus.”

“They pulled me out. I saw the yogis on the streets, exhausted. We drove up to Constanța, the siren on, at high speed. “Drive in line, pull over, they were shouting.” The woman who claimed to be a doctor passed her cigarette near my face when I complained that the smoke disturbed me. “Hey, miss, this is the way Bivolaru accustomed you, air-conditioned only?”

“They brought me in a prisoner van, putting me in the rear. They brought me to my sister. They brought me to the Police. It was for 7 days that I was sequestered at my sisters’, till I was entrusted by the Tutelary Authority. I wasn’t allowed to get out in order not to make them problems, I wanted to go and buy some tampons, so I sent my niece. I wanted to phone Remus, they didn’t allow me to, saying that the phone is monitored and they would have problems. They had taken the phone in their room. My brother-in-law had taken a leave in order to stay with me. My sister was

told that if she would cooperate with them, she would receive a position as secretary at the Police in Constanța. She's got nothing."

"Three persons of the Tutelary Authority came. One of them said that she wanted to be my best friend, she wanted to help me, and I should tell her all I have on my soul. I believed her, I hoped in her helping me. This occurred within the 7 days till I was placed in my sister's family. I did not want to live at my sister's place. They took me twice to the Directorate for Children Protection; they were nice to me then."

"Then a meeting took place. They asked me if I agreed to stay at my sister's place. One of the women asked me if I developed my paranormal powers and if there are yogis in Costinești. I frankly answered affirmatively. It seems to me that they wanted to break me away from the group. I said very clearly that I did not want to stay at my sister's place and I want to return to Bucharest, to continue with my studies."

"They let me see Remus only for 5 minutes. I started to cry, to tremble, I had a panic attack. They told me that I must live with my family till I am 18 years old, to transfer from my school. I refused. They said they could offer me a permanent attendant in Bucharest. My sister opposed, she wanted me to live at her place."

"I was very agitated when I came back. My sister told me that there would be someone coming from the hospital to make me injections and I would calm myself. I locked up myself in the room. I fell asleep. In the evening, aiming to the bathroom, I saw Pavel, the policeman, talking with my sister and my brother-in-law. He told them to take care of me, not to come out in the street and be seen by people, to be as isolated as possible, not to allow me to talk to anybody from MISA. "And if she runs away?" they asked him. The policeman said there are filters which would discover me and bring me back home."

"I should have given my consent for the transfer to a Constanța high-school. I said I didn't want to. "If she doesn't want to, she'll remain with nothing", the director of that high-school said. (I was accompanied there by someone of Directorate for Children Protection)."

"The life with my folks grew harder and harder. I was in my sister's bathroom. The door was ajar. I didn't consider that someone could barge in. "What are you doing, you the abused one?" cried Marian, my brother-in-law, entering the bathroom. "Hey, don't you like me watching you?" I told my sister about it but she did not believe me. From then on a lot of discussions started between them. They started to quarrel. One morning, my sister came to me, after quarreling with Marian. He talked dirty to me: bitch, etc."

“It was Easter time. They brought a lamb. “Help me make a steak”, my sister told me. “I can’t, I don’t feel like it”, I told her. “Bivolaru taught you to always cock your nose?” She brought me sandwiches with steak, but I did not eat. I have eaten only milk and bread for 3 weeks, because they had not wanted to bring me something else. They would curse me and talk dirty to me.”

“One time they let Remus visit me. He took me downtown. He brought me luggage, papers, money, clothes. We were in an Arabian restaurant. At a table next to us there were 2 very solid men, they came out at the same time with us. We strolled along the seashore and they followed us from above.”

“At a certain moment I got out the gate, I reached the street corner and there I found 2 policemen. In a car. Two of them. They took me to a McDonald’s. I ordered something to eat and the policemen paid for me. The area got filled with other overseers. If they took a table, there were another three taken around them.”

“I was beaten by my sister and Marian. I went downtown with Remus. I was late around 15 minutes. They phoned Remus and threatened him with prison. They waited for me at the gate. They forced me through the gate; my sister hit me in the face with a ring having a prominent stone. She followed me up to my room; she pulled me of my hair.”

“I was kept in a dilapidated part of the house. I ran away. One day before someone from the Directorate of Children Protection came to me. I told them how I am treated by my folks. They were coming once in two-three days. The psychologist who’d said she wanted to be my friend gave a statement to television after leaving me, saying that I am OK and start to adapt. They threatened me that I’d be taken to the police and kept there if I tried to run away.”

“I ran away. I loitered on the streets. It was like a nightmare; I wanted to get out of it and I couldn’t find the exit. I was like in a jungle. I was scared not to expose anyone. I sent a letter to my mother. I had heard Pavel saying that if I ran away and contacted anyone in MISA, that person would immediately be put in prison.”

“I wandered in all the cities of my country. Only with the clothes I was having on. I was under general pursuit. I had also interdiction to leave the country.”

[**Adina Solomon’s intervention:** Even if she had the capacity of missing person claimed by the family, the interdiction for her to leave the country cannot be legally justified.]

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Mădălina Dumitru was flunked out from school because of her absences. In February 2005, M.D. was at law with her former tutor who kept her personal belongings and money and did not want to give them back. Her sister proposed to her that, in return to them, to give up her part of the inheritance from her deceased father. A second trial concerns Mădălina Dumitru's mother, who had been beaten by the former tutor with the shovel, in front of the neighbors. (The shocked woman was carried to the Forensic Hospital.) The mother sued her sister for assault and battery.

[Lawyer's Observations: Adina Solomon received a representation mandate from Mădălina Dumitru. Afterwards, she was notified that the Bar had received a complaint, signed on behalf of Mădălina's mother by June-July 2004. Very bad words were addressed to her in the complaint. The lawyer was contested the mandate because it was not signed by the mother, too, considering Madalina was a minor. In fact, it is legal and possible. Adina Solomon was called at the Bar, was put in the Discipline Council, her mandate was contested. In that complaint Mădălina's mother said that she quitted using her services, that she was sold to Bivolaru and she was paid by Bivolaru.

„We have a videocassette with the mother. I talked to her, I showed her the complaint, Mădălina's mother contested both the writing and the signature. They did not correspond to her writing, neither concerning the type of expression nor calligraphy.

I called the Police to come to Constanța, in October, when the mother was beaten by Mădălina's sister. Police did not come. Two policemen (family friends) came, from the ones having supervised permanently this action of Mădălina's tutorship, they watched her being beaten and kept on saying: “Who made you combine with MISA?” When they brought Mădălina in Constanța, they told Mădălina's mother “it'd better that Mădălina killed herself, so that Bivolaru could touch bottom.”

Now, Mădălina Dumitru is called to appear in the trial of Gregorian Bivolaru. The trial is within doors, with masked gendarmes aiming their guns to the persons present there... etc. There is no press, there is no public, there are only lawyers, and however, Ilinca Simionescu's husband was inside, as a witness proposed by the Prosecution Department against Gregorian Bivolaru, undercover witness (they have a very special treatment). The questions asked by Gregorian Bivolaru's lawyer were mostly rejected.]

Excerpts from the Statement of Cojocaru Costică about Mădălina Dumitru

“On April 6th 2004 I was in Constanța together with my wife Cojocaru Nadia and with Lomoș Remus [Mădălina Dumitru’s fiancé] and, we together went to the General Directorate for Child Protection, to seek Dumitru Mădălina, the wife to-be of Remus Lomoș. We found out from newspapers that she was there. I had a discussion with the director Munteanu Eugenia who explained to us that Mădălina is in their evidence and in that very day a commission should meet to establish what would happen to her. She promised us that we would have a private discussion with Mădălina, but that discussion would take place after the meeting. We stayed in the hall till we heard Mădălina’s voice saying worryingly, I quote: “Take your hands off me!” I went to see what was going on over there, but the door was already closed. Mădălina entered a room with several persons. On another door of the same room Mr. Iordache Marian, Mădălina’s brother-in-law, showed up, inviting Remus Lomoș in the room to talk to Mădălina. There were several persons in that room, later I found out that inside there were also her sister Florentina, other people from the police and from that institution. At a certain moment, an argument burst out in the room. We could not see what was going on, but we heard very clearly Mădălina yelling and saying she wanted to be with Remus. On the hall there were also journalists from the TV station in Constanța, and, together, we tried to see what was going on inside that room, but we were not permitted to open the doors because they were kept closed from inside. We heard how Mădălina yelled louder and louder and a certain moment she burst out crying. Then I dared call Mrs. Munteanu and inform her about what was going on. She told me she could do nothing and it was not her obligation to intervene; I replied that she could at least go downstairs and see what was going on, because it was her who managed that institution and it was inadmissible for her to stay passive in the office while in the institution which defended the minor’s rights, a minor was assaulted; but she would not come downstairs.”

“From that moment on, I witnessed a kind of game with running through the halls and opening the doors and windows, between the TV representatives and the people being in that room. Then a police car arrived, taking Remus Lomoș away. From that moment the scandal grew even louder. It was inconceivable what was going on. Mădălina was assaulted by her brother-in-law and carried forcedly by her brother-in-law and sister, pulled out through a door of that room and taken to a car. (...)”

“Afterwards we went to Police to seek for Remus, and found him. He let us know that inside the room where he had been with Mădălina there had also been several policemen in plain clothes; they had called that squad to take him to the police and one of them had turned his hand on his back and forced him get in the police van. There they wanted to fine him for disturbing the public order, which is not at all understandable because Remus did not create a scandal. They invited him in that

room and then forced him out through another door and fined him. After leaving the Police, we went to the marketplace and bought something to eat and a bunch of flowers for Mădălina; afterwards we went to the Iordache's. We stopped the car in front of the gate and Mr. Iordache, Mădălina's brother-in-law, came out. Initially he was rather verbally violent, by telling us to go away because from that moment on he was the boss and did as he wished and we should stop searching Mădălina. We succeeded in talking to him eventually... (...)"

"Meanwhile we discussed with Mrs. Munteanu who did not believe we had not been allowed to talk to Mădălina, that the food had not been accepted, that they had reproached us for not bringing Mădălina clothes (as we did buy her clothes), that the phones were intercepted; she explained us Mădălina is free to do whatever she wanted, instead we saw it was not at all like that. (...)"

"Around 19.20 we arrived at home. The two sisters and the brother-in-law were in the street waiting for us. Hardly have we got out the car when he pounced at Mădălina, took her phone and gave it to me; then he brutally pushed Mădălina to the pavement from where she was taken over by her sisters who started cursing and beating her on her face and head. Mr. Iordache started to scream to us and to threaten us with battery; he was very violent. He forced us to leave that place. Being shocked, we left. We could not have a dialog; he was not a person to talk to. We did not know how to act in order to help Mădălina. We called Mrs. Eugenia Munteanu and told her what had happened and she promised to send a squad on the spot. But after much insistency to Mrs. Munteanu, only by 21.30 a squad arrived there. (...)"

"In the meantime, the persons sent by Mrs. Munteanu arrived, asking us what had happened; we gave them all the necessary explanations and the squad made of two women and a man entered the courtyard of the Iordache's. We stayed in the car till they came out and told us that Mădălina is quiet, that they (the family) really hit her but it was nothing serious and there would be nothing of the same. (...) The next day at 8 a.m. we went to the County General Direction for Child Protection where we lodged a request for audience to the director Munteanu, hoping to talk to her and tell her what had happened. This discussion took place only with Remus Lomoș a few hours later and he was assured that the situation is under control. From that moment we could not see Mădălina or talk to her."

6. The "Extaz" Case

One of Prosecution Department's concerns was to obtain proofs for justifying the brutal intervention in March 2004 and for sustaining its charges — especially

regarding Gregorian Bivolaru. Charges on organizing paramilitary troops, drug traffic and use, etc. proved wrong one after another. Month after month, the Prosecution Department made controls at the companies belonging to persons who attended yoga courses organized by MISA and talked to the girls being under age at the date when the courses were held. [It is worth mentioning that MISA has accepted minors to its courses for years, only with the parents' written consent.] After such extensive actions, only two minors could be used for prosecution; however they leave place to suspicions.

[Lawyer Adina Solomon's assertions: The trial has as accusers two teenagers having attended the yoga courses. Another MISA collaborator sustains he had known them when they sold flowers in the marketplace. They had sold flowers since they were 12. Their mother was a prostitute; the girls were sleeping in the hall. The girls were brought to the yoga course, Bivolaru accepted them to the course for free, all three of them. Then they blackmailed Bivolaru by asking money for a house worth \$ 45,000. There is a complaint of Gregorian Bivolaru against this blackmail.]

An important issue of the Prosecution Department seems to be the charge of person trafficking. This charge was brought, till today, to the "Extaz SRL" Company. Its current manager is Diana Dochinoiu. Its main shareholder is Vanda Popescu. After discussions with several employees and with its ex-clients we reached the following conclusions:

Company's activity was **only** the mediation with partners abroad and **only** for Japan. The company published adds in newspapers for potential she-dancers wishing to work in Japan. The girls made the contact with Extaz, where they also attended to courses of dance, conduct and costumes. There was then a preview with the Japanese representatives, who chose from the offer. They, too, went to the Japan Embassy for the visas. The future employees paid only for the documents, the company fee being covered by the Japanese partner.

Collaboration with companies in other countries was rejected, precisely in order to avoid sending girls somewhere where they could have been attracted to prostitution. In Japan, this is severely excluded by the owners of the company they worked for. In Japan the girls are not allowed to have a relation with the client; they are not allowed to step down the scene. There is such a contractual clause between the girl and the Japanese, stipulating that she is not allowed to have a relation with the client. The same clause appears between Extaz and the girl, as well.

Annually, about 20 persons left to Japan, by contracts of around 6 months. Totally, 280 persons handed to the embassy demands for obtaining the work permit for Japan where it is mentioned that they would come from Extaz SRL. Of them, only 80 had

an effective contract with Extaz. The form filled in at the Embassy cannot be used as evidence of a contractual relationship between that person and Extaz, because the girls did not come only from Extaz, but they took part in previews with several companies.

The contractual reports to be established were as follows: between the girl and Extaz (mediation contract) — between the girl and the Japanese company (labor contract) — between Extaz and the Japanese company (partnership contract). Only these three contracts altogether demonstrates that a certain girl left for Japan through Extaz the Company.

[Lawyer Adina Solomon's remark: The offence of trafficking persons does not stand just because of the contractual clause stipulating that the girl is not allowed to have personal relationship with her clients. Traffic would mean that the girls had material benefits resulted from their personal relationship with their clients, being obliged by Extaz company to have such relationships. (The charges of the prosecution Department are based only upon the analysis of those application forms for labor visa at the Japan Embassy.) Anyway, there is no connection between Extaz SRL and MISA.]

The lawyer of Extaz SRL has requested to take part in all the hearings even since 3.06.2004. He was summoned to not even one hearing out of the 200 the press had written about. In February 2004 the lawyer requested the access to the file, having this right as a defender of Extaz SRL. Till the end of February 2005 he did not get any answer.

Conclusions

- a) Despite the fact that the intervention of the public order institutions in March 2004 was one seriously violating the rights and freedoms of many persons, no admission of responsibility and no reparation to the victims were made. It is to notice the tight, mutual support between the Police (Ministry of Administration and Internal Affairs), the General Prosecution Department, and the Secret Services. There is a real risk that, the time passing without solving this case, the responsibility of the former government for what happened to be “taken over” by the new government which was elected in the end of 2004.
- b) From April 2004 until the beginning of 2005, the Prosecution Department and the Secret Services made important efforts to produce proofs for the initial allegations that were supposed to be at least partially proved before starting the actions against MISA and its students. The evolution of the situation proves not

only how extremely precarious the allegations are, but also the attempt “to fabricate” proofs in order to justify the abuses that happened. The involvement of “minors” and the pressures made upon Extaz SRL represent one of the reasons for our concern.

- c) The authorities pay no attention whatsoever, not even now, to the traumatic consequences of their actions upon the minor Mădălina Dumitru. By their irresponsible conduct, the institutions affected the whole life of Mădălina Dumitru’s family, up to bursting out violence amongst the family members.
- d) Harassing the civil servants who had attended yoga courses started to extend. Beside the abuse in service, the phenomenon indicates a serious discrimination on grounds of faith and conscience.
- e) Really alarming is also the method to publicly use and instrument some questionable investigations. The expertise regarding judge Simona Lungu and the “psychological evaluation” of Mădălina Dumitru are included here; the latter document became evidence in the file, which would demonstrate, in their opinion, “the level of danger represented by the organization shepherded by Bivolaru”. By using such methods, the authorities compromise the very idea of expertise, giving way to the institutional manipulations.

ⁱ On November 12th 2004.