

ROMANIA

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**The alleged ill-treatment of Simion Lupescu, M|d|lin Mocanu,
Adelina Matei and Victor Safta**

Amnesty International is concerned about reports of ill-treatment by police of Simion Lupescu , M|d|lin Mocanu, Adelina Matei and Victor Safta. The victims are members of *Miscarea de Integrare Sipuritual| în Absolut* (Movement for the Spiritual Integration in the Absolute), commonly known as *MISA*, an organization of yoga followers. Amnesty International is concerned that the ill-treatment of Simion Lupescu, M|d|lin Mocanu, Adelina Matei and Victor Safta, might have been motivated by their membership in *MISA* and urges the Romanian authorities to promptly and impartially investigate their complaints of ill-treatment, to publish the results and to bring to justice those responsible.

According to the reports received by Amnesty International, on 10 March 1997 at around 6am in Bucharest, a police patrol led by officer U. I.¹, entered by force a house on Peleaga Street number 5, which belongs to Catrina Nicolae, president of *MISA*. Three officers who wore black uniforms with "Police" written on the back, carried rubber truncheons and claimed to be members of a unit for "special interventions". Two other officers were dressed in ordinary uniforms and a third wore plain clothes. Although they did not present a warrant they took the identity cards of all the people in the house and told them that they would be taken to Section 18 Police Station. The officers then escorted this group to a house at number 25 on the same street, where more *MISA* members were ordered to come to the police station. Simion Lupescu, who is a law student, persistently complained that the police action was illegal. While around 20 people were being pushed by the police into a bus, officer U.I. reportedly hit Simion Lupescu on the chest and the back several times and then handcuffed him. The same officer then grabbed M|d|lin Mocanu, another member of *MISA* who had just arrived in front of the house and attempted to leave the scene of the incident. He allegedly punched M|d|lin Mocanu on the chest, abdomen and back before pushing him onto the bus.

At Section 18 Police Station the detained *MISA* members were held for over four hours in a large room. The police told them that those who did not have proper registration of residence in Bucharest would have to sign a police statement and would be fined. When some of the detained protested, officer U.I. reportedly approached Adelina Matei, a medical student, kicked the table she had been sitting on and hit her in the abdomen. Police harassment and intimidation continued as the detainees refused to sign police statements and asked to speak to a lawyer. They were then

¹The identity of the officer is known to Amnesty International.

individually taken to another office to be fingerprinted and photographed. The officers who escorted them was followed by a police dog who was not on a lead or muzzled. When Simion Lupescu refused to be fingerprinted, officer U.I. reportedly took him by the collar and slapped and punched him, and also threatened him with further ill-treatment if he should fail to cooperate. Victor Safta, another detained member of *MISA*, was also reportedly slapped and kicked by police officers when he refused to sign a police statement. Prior to their release at around 11am, 16 people were issued with fines for improper registration of residence, which they have subsequently appealed to the municipal court. Simion Lupescu was examined by a forensic medical expert on the same day and given a medical certificate which described bruises and lesions on his chest and back, injuries which are consistent with his allegations of ill-treatment. Simion Lupescu, M|d|lin Mocanu, Adelina Matei and Victor Safta have also filed complaints with the Military Prosecutor of Bucharest.

Amnesty International is concerned that the alleged ill-treatment of Simion Lupescu, M|d|lin Mocanu, Adelina Matei and Victor Safta represents a violation of Romania's international treaty obligations. These include Article 7 of the International Covenant on Civil and Political Rights and Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which state that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

As a state party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania is bound to initiate a prompt and impartial investigation whenever an individual has alleged that torture or other ill-treatment has occurred or, even if no complaint has been made, there are reasonable grounds to believe that such ill-treatment has occurred. Amnesty International urges the Romanian authorities to initiate promptly an independent and impartial inquiry into the alleged ill-treatment of Simion Lupescu, M|d|lin Mocanu, Adelina Matei and Victor Safta, to make public the findings and to bring to justice anyone found responsible for human rights violations.

On 17 June 1996, in Bucharest, Camelia Rosu and Carmen Efta were allegedly ill-treated by police officers during a raid on a yoga class organized by *MISA*². In July 1996 Amnesty International urged the Romanian authorities to initiate a prompt and impartial investigation into this incident. However at the time of publication of this report the organization has still not received information that an investigation which would conform to international human rights standards, has taken place. In March 1997 Amnesty International received a report about this case from the Ministry of the Interior which although extensive makes no reference to allegations of ill-treatment. In fact, it is not clear whether the Ministry of the Interior is claiming that Camelia Rosu and Carmen Efta were not even present at the scene of the police raid. The report described it as an action whose aim was to check the identities of people attending the yoga class. In that context "Camelia Rosu and Carmen Efta were not among the people in the above mentioned group whose identity documents had been checked by police officers"³. Amnesty International asked the Ministry of the Interior for a clarification on this point and urged the Romanian authorities once again to fully and impartially investigate Camelia Rosu and Carmen Efta's complaint about police ill-treatment.

²See *The alleged ill-treatment of Camelia Rosu and Carmen Efta* (AI Index: EUR 39/15/96) of 15 July 1996.

³See *Documentar cuprinz[nd situaŃile de fapt în cazurile si aspectele semnalate de membri ai Amnesty International în anul 1996* published by the Ministry of the Interior, Committee for Human Rights and Humanitarian Law, in 1997.

Amnesty International is also concerned that the police ill-treatment of Camelia Rosu, Carmen Efta, Simion Lupescu, M|d|lin Mocanu, Adelina Matei and Victor Safta might have been motivated by their membership in *MISA* and their beliefs related to the practice of yoga. The Ministry of the Interior apparently condones an intolerant public attitude to *MISA*, which is frequently vented in some Romanian media. The previously mentioned report of the Ministry states the following:

“*Miscarea de Integrare Spiritual| în Absolut (MISA)* has been set up by a “yoga professor” Gregorian Bivolaru.

...

“Under the guise of yoga exercises, Gregorian Bivolaru, has attracted sympathizers of different age, education and professions from all over the country, and urged them to abandon their families, social obligations, friends and monogamy, to follow group life and to practise sexual perversions.” (emphasis as in the original)

These comments appear to be libellous and a crude attempt at character assassination. Previous reports of the Ministry of the Interior have also contained comments which appear to be intended to discredit the complaints of some human rights victims. In October 1995, Amnesty International expressed concern about terms used in a report of this ministry to describe the victims of human rights violations who were Roma⁴.

Amnesty International is concerned that such conduct would be a violation of the internationally recognized right to freedom from discrimination. As a State Party to the International Covenant on Civil and Political Rights (ICCPR), Romania is bound to ensure that all the rights guaranteed by this Covenant are enjoyed by everyone in the country "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status " (ICCPR Article 2 (1)). Furthermore, under ICCPR Article 2 (2), Romania has a positive obligation to ensure the rights guaranteed in the Covenant are implemented. ICCPR Article 2 (2) goes on to require States Parties to "adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant" (emphasis added). The European Convention for the Protection of Human Rights and Fundamental Freedoms, ratified by Romania in June 1994, contains similar obligations in Articles 1 and 14. Amnesty International reiterates its appeals to the Romanian authorities to ensure the safety and wellbeing of all people in Romania without any distinction.

⁴See *Romania: Romanian authorities respond to Amnesty International's May 1995 report* (AI Index: EUR 39/22/95) published in October 1995.