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To:

His Excellency  
Mr. Jonathan Scheele  
Head of the Delegation  
of the European Commission in Romania

Bucharest, 21 April 2004

I wish to submit to your kind attention two case studies documenting violations of the rule of law.

I hope that the information provided herewith will be of use in your efforts to support the strengthening of the rule of law in Romania in relation to the country's integration process.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Gabriel Andreescu  
Program Director  
Minority Rights and Freedom of Conscience



## ROMANIA

### TWO CASE STUDIES DOCUMENTING BLATANT VIOLATIONS OF THE RULE OF LAW

According to the decision of the Council of Ministers in Copenhagen, the political criteria of the accession process relate to demonstrating the *existence of stable institutions, guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.*

Can Romania prove that it respects the rule of law? Is it compatible with the Copenhagen principles?

Below we provide two case studies, both documenting blatant violations by the very institutions whose mission should be that of promoting democracy.

As defenders of human rights we firmly believe that Romania's integration in the European Union is essential to the evolution of the Romanian society. Yet if such exceptionally serious situations are not solved in a manner befitting societies able to guarantee the rule of law, the negotiation process will prove to be powerless and ultimately empty.

## **The MISA Case**

### **REPORT ON THE CAMPAIGN AGAINST THE MOVEMENT FOR SPIRITUAL INTEGRATION IN ABSOLUTE (MISA) AND ON THE VIOLATIONS OF ITS MEMBERS' AND SYMPATHIZERS' RIGHTS**

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## **A. About MISA and the campaigns directed against it**

### **1. What is MISA?**

The Movement for Spiritual Integration in the Absolute was created as a non-profit association, by decision of the District 1 First Instance Court in Bucuresti, on January 23<sup>rd</sup>, 1990. The association has a socio-professional, philosophic, experimental, educational character, aiming to raise the spiritual level of people by promoting yoga theory and practice.

The man considered to be the spiritual leader of the movement, Gregorian Bivolaru, was permanently controlled by the Security for similar activities before 1989. He was imprisoned twice and put into a mental hospital where opponents of the communist regime were “treated”, for having practiced the same beliefs as today.

MISA runs yoga classes, as well as courses about certain naturist cures. The leaders of the organization estimate that 45 000 people have taken yoga classes with MISA. The yoga trainers are either MISA members or have understandings with MISA to run their courses under the umbrella of the association.

MISA has also published books and issues a monthly bulletin.

### **2. Previous campaigns against MISA and its members or sympathizers and our investigation on the accusations**

APADOR-CH conducted two investigations on previous campaigns against MISA and its members/sympathizers. The conclusions have been published in the Association’s annual reports in 1996 and 1997. After 1997, the representatives of APADOR-CH were informed of other infringements upon the rights of MISA members or sympathizers. But since, over the time, the situations that had triggered complaints were considered solved by MISA leaders, APADOR-CH ceased to investigate without a formal demand from the movement. I quote from the APADOR-CH Report in 1996:

*“The media campaign against MISA and the yoga master Gregorian Bivolaru was launched in 1990 and climaxed in 1995. In 1996, libelous articles continued to be published in **Romania libera**, **Jurnalul national**, **Ziua**, **Academia Catavencu** etc. MISA filed several court complaints against journalists, charging them with libel. The fact that a couple of them were punished (criminal fines were applied against Corneliu Reu, from **Tinerama** and Cristian Negureanu, from **Romania libera**, in 1995) left the impression that, under the circumstances, the hostility against the group is kept under*

*control by the state. This is the reason why, at that time, APADOR-CH did not take any steps in the MISA case.*

*In 1996, the state made its first intervention against MISA... In August 1996, APADOR-CH conducted an investigation in Costinesti, at the summer camp organized by MISA in the “Parisian’s Gulf”. **Nothing in the activities of MISA members was in breach of the law or motivated a campaign against them.**”*

The 1997 Report by APADOR-CH identified the following problems:

*“Over 1997, media campaigns against MISA continued. Scores of defaming articles were published in the first half of the year by most dailies, supported by radio and TV programs.*

*A representative of APADOR-CH took part in yoga classes organized by MISA at the Steaua Sports Club and was thus able to see how ungrounded newspaper articles that described the courses were. During the investigation, the representative of APADOR-CH came across situations when, due to the pressures made by journalists and authorities alike, the managers of certain institutions changed their decision – understanding or contract - to allow MISA use the sports halls they needed.*

*(...)*

*MISA has also complained about actions to intimidate their members – such as the raid made by Section 18 police on MISA offices on March 10<sup>th</sup>, 1997, 7.00 A.M, when, accompanied by an anti-terrorist squad, they handcuffed the people present. All over 1997, the informal leader of MISA, Gregorian Bivolaru, was regularly summoned to the police to report on his activities.*

## **B. THE RABID CAMPAIGN OF 2004**

### **3. A Precedent: the Tg. Mureş Campaign, September-October 2003**

In September 2003, the Tg. Mureş press, the local studio of **Antena 1** TV, the local edition of **Jurnalul Național** and other media launched a campaign against the yoga trainers and trainees in the city, and against MISA, the organization running the yoga courses. Those involved were accused of drug abuse, sexual orgies and tax evasion, without any evidence. Two of the trainers were summoned at the Regional Centre against Organized Crime and Drugs. Here, they were offended and compelled to sign incriminating statements against MISA and the movement’s spiritual leader, Gregorian Bivolaru.

According to the two trainers, investigating inspector Beldeanu declared that he was going to kill both them and Bivolaru “when out of duty”.

The TV programs **Actualitatea mureșană** of October 2<sup>nd</sup>, 2003, and **Observer** of October 3<sup>rd</sup>, 2003, presented a list of persons who attended yoga sessions – name and workplace included. By dubbing them guilty of “illegal acts”, “brainwashing”, “substance abuse”, the media campaign represented an instigation of the public opinion against those who practiced yoga. The effects were immediate. People on the list were summoned by their bosses and threatened with termination, if they insisted to attend yoga courses. Others had problems with their families.

Given the methods used in the Tg. Mureș campaign and the attitude of investigators towards people summoned to the Regional Centre, the events in 2003 seem to have prepared the massive action against MISA members and sympathizers launched in March 2004, in Bucuresti.

#### **4. The Gendarmes’ Raid on March 18th, 2004**

On March 18th, 2004, over 300 Gendarmes, prosecutors, police and secret service agents wearing masks raided simultaneously 16 buildings where MISA members held their activities. Doors and windows were smashed to pieces, although the buildings could have been entered peacefully. The people inside were brutalized, pushed to the ground, threatened with guns, some of them handcuffed. There were cases when they were held at gunpoint for hours. In some of the raided buildings, warning gun shots were fired.

People were coerced to sign statements worded by the prosecutor. Personal belongings were confiscated without being mentioned in the search warrant minute. The detainees were prevented to contact their lawyers.

The raids were videotaped and showed on TV. Later, further pictures were shown on TV, aiming to discredit the detainees and suggest that they were guilty. But no one was put on preventive arrest or detained following these raids.

Searches went on during the following days as well: over 20 in number. Truckloads of materials were confiscated abusively from the searched buildings and the 15 MISA storage houses.

#### **5. The media campaign**

##### **Instigating and libelous presentations**

The following excerpts from newspapers (the TV materials sounded very much the same) published right after the gendarmes’ raids, prove, in themselves, the instigating and libelous character of the presentations: *“During the raids, various substances have been found, of which we cannot tell for sure*

*if they are drugs or not*” (**Cotidianul**, March 22<sup>nd</sup>); “*the raids were triggered by complaints made by several citizens regarding prostitution and drug dealing activities in several slums of Bucuresti*”; “*the state authorities raided buildings where pornographic and erotic video-chat activities were going on*” (**Ziua**, March 20<sup>th</sup>); “*Porno materials in the home of a university teacher*” (**Evenimentul zilei**, March 22<sup>nd</sup>); “*In this truck, various compromising materials have been found, among which pornographic magazines, and books of the MISA cult*” (**Adevarul**, March 22<sup>nd</sup>), and so on. The term “sect” was deliberately used to describe MISA.

The media, therefore, supported the authorities during the first days after the raids, when the actions in force tried to persuade the public opinion that those raided and searched on March 18<sup>th</sup> were guilty of crimes. It is highly improbable that journalists didn't know that police is not allowed to break into somebody's home only because “there have been crimes in the neighborhood”. It is not illegal to detain pornographic materials, and no approval is needed to participate in erotic chat-rooms on the Internet. The accusations based on elements considered to be outrageous for the public – sex, urinotherapy – were all the more absurd when promoted by publications which currently use themselves erotic images and a type of language which could be qualified - considering the prudish attitude in this case – as outrageous.

Basically, most media tried to turn the population against MISA members and trigger a “witch-hunt”. Significant, in this respect, was the information, proved to be untrue, that Gregorian Bivolaru was taken to the police station by a group of people. The way the information was announced represented an invitation for the people to hunt down MISA members.

### **Intoxication of the media by the authorities**

The information received by journalists from the authorities contained a series of accusations, which were thus promoted by the media: drug use, human traffic, etc. The accusations proved to be ungrounded. The video footage was meant to induce the idea of guilt into the public opinion. The police video was released to the media, and shown on TV, in a total breach of the right to reputation. For example, a syringe, filmed in the home of a doctor woman, was presented as having been used for drugs. The situation determined several members of MISA to ask the Forensic Institute for tests to show they had no drugs in their blood.

The image of Petrachei Natalia Elena, taken from the toilet with her panties down and threatened at gunpoint to stand, in that posture, next to the doorman, was shown as evidence of the promiscuity in which MISA members allegedly indulged. Several pictures of MISA members in bathing suits, found during the searches, were also shown on TV. Sometimes, their actual photos were edited alongside other images, for a more convincing effect.

The culmination of these unacceptable violations of privacy was the release of a personal diary to the media – that of Mădălina Dumitru, a minor – and its publication. The author declared that the diary contained her erotic fantasies. However, the diary was the ground on which Gregorian Bivolaru was later arrested.

### **The media took distance**

At a certain point, the media began to distance themselves from the actions of the authorities, proving that state institutions involved in hunting down MISA were the main source of intoxication. The press started to notice that there was no support for the information released by the authorities: *“The importance given to the Bivolaru case ... is hardly sustainable by the evidence shown yesterday by representatives of the institutions involved: the Prosecutor’s Office, the Police, the prosecutors”* (**Cotidianul**, March 25<sup>th</sup>, 2004).

In his editorial, Dan Cristian Turturica summed up the case as follows: *”In fact, the Bivolaru scandal, the miners’ descent and the inter-ethnic conflict in Tg. Mureş have a common denominator: the domineering and puppeteer state; a state that puts at work all its repressive forces to strike an individual or a group of individuals. The aim: to punish rebels at all costs, to organize diversions that draw the attention from Romania’s real problems – corruption and poverty. The recipe is always the same: hurried arrests, in unclear circumstances; a bombardment of rumors and information “sold” as absolute truths by official sources that insist not to be disclosed; evidence leaked from the files in order to support the thesis of the authorities; police officials and prosecutors, otherwise unapproachable and secretive (...); investigations launched with a boom and closed quickly, without any explanation; (...) televisions, (the private stations, in huge debt to the state, are now using the same methods promoted by the national channel, TVR, during the miners’ descent) willing to accept all official information unchecked; all of these, in a devilish orchestration able to twist reality and turn a troublesome or dubious character into public enemy no. 1”*. (**Evenimentul zilei**, April 4<sup>th</sup>, 2004).

Other newspapers, too, later accused the authorities to have attempted a political manipulation. One of the widest accepted explanations was that the whole campaign against MISA and its spiritual leader Gregorian Bivolaru was aimed to cover the escape of Gabriel Bivolaru, a man close to the ruling PSD party, who was imprisoned for fraud, and whose name could be easily mistaken with that of Gregorian’s.

In an article published by “22” magazine, the respected journalist Rodica Culcer described the events as follows: *“We are living, in fact, in a huge Big Brother show – not the one on Prima TV, but the one imagined by George Orwell in his 1984”*.



The sobering of the media was partly due to a press release issued by APADOR-CH on April 15<sup>th</sup>, 2004. In its analysis, APADOR-CH pointed out that if certain members of MISA have committed crimes, they were to be tried in court, as individuals, according to equitable procedures and judgments.

## **6. Violation of fundamental rights and freedoms**

The measures taken by the authorities against members or sympathizers of MISA and against the Movement itself were illegal, disproportionate, combining intimidation, instigation and harassment with abusive accusation and detention. During the events, personal freedom, the right to be presumed innocent until proven guilty, the right to legal representation, the right to privacy, the right to peaceful demonstration, etc:

During the days of searches – starting on March 18<sup>th</sup>, 2004 – prosecutors, gendarmes, police and SRI agents (secret service), most of them wearing masks, led a brutal action, using force unnecessarily or excessively and in breach of procedures:

- they broke doors and windows to enter buildings although nothing hampered their access;
- the residents were hit, pushed to the ground and threatened with the gun. Over 80 people were taken to the Prosecutor's Office, where they were asked to sign statements under threat;
- they confiscated a large amount of objects and documents without any reason: the search minutes had errors of procedure and content;
- search warrants were not always produced when entering a building;
- in many of the raids, the prosecutors left no copy of the search minutes;
- MISA members or sympathizers were videotaped while scarcely dressed or in humiliating postures;
- MISA members or sympathizers were prevented to contact their lawyers.

The breach of rights and freedoms during the actions of the “forces of public order” on April 18<sup>th</sup>, 2004, was continued by the violation of privacy and of the right to reputation. The pictures and videotapes made during the raids were used to discredit the victims. The authorities sent TV stations images accompanied by mystifying comments. Thus, a syringe, videotaped in the home of a ... doctor, suggested an alleged drug abuse. The doctor was videotaped while subjected to a degrading treatment during the whole search and threatened that she would be indicted, in the absence of any trace of evidence, for drug use. As a result of this manipulation, MISA members had to ask the Forensic Institute to test their blood for traces of drugs, in order to prove that they were not drug users.

The forceful actions of the prosecutors, gendarmes, police and SRI agents violated the constitutional norms, domestic legislation (mainly, the Criminal Procedure Code) and international agreements ratified by Romania.

The victims filed numerous complaints against the infringement of their rights and liberties. The flagrant violations should determine the Public Ministry to take notice, while the top ranking officials from ministries and other institutions involved are under obligation to take administrative steps in order to punish those responsible. Investigating and punishing the SRI agents, police, gendarmes and prosecutors who infringed upon human rights and fundamental freedoms before, during and after the MISA searches is essential to safeguard the principles of a democratic state.

### **EXCERPTS FROM STATEMENTS OF INDIVIDUALS SUBMITTED TO THE SEARCH RAIDS ON 18.03.2004**

#### **a) Search at No. 50, Calea Plevnei, Bucuresti**

I, **Szanto Ștefan Raul**, living in Bistrița, Împăratul Traian street, building 53, entrance E, flat 68, declare the following:

*“On the day of 18.03.2004, at 9.00 AM, gendarmes accompanied by a Police Inspector broke into the building, smashing the window on the front door, without having rung the bell or knocked in advance. Masked and armed gendarmes filled every room. Those present were asked to disconnect their cell phones and were not allowed to answer or use the phone. Several of my personal belongings were taken away (a CD player, audio tapes, videotapes, books and personal diaries), which had no connection with the search and the objective mentioned in the search warrant”*

#### **b) Search at No. 2, Vasile Grozavu Street, sector 5, Bucuresti.**

I, **MIRONA MARIA FARCAȘI**, living in București, No. 9 Peleaga street, sector 5, ID card series RD no. 290484, aged 17 (underage), declare the following:

*“On the day of 18.03.2004, 9.00 AM, gendarmes broke into the building after they jumped over the fence without having rung the bell, broke the windows, beat the dog in the yard, pushed us to the floor and kept us there for about 15 minutes. The gendarmes videotaped while I was being pushed to the ground. Although I asked to be informed why I was subjected to such a rough treatment, prosecutor Andreea Nica and inspector Ionut Rotaru showed me their badges and told me that I had no competence in their action. Later, when I was detained and taken to the Prosecutor’s Office, they told me that I was a witness and I was asked to sign statements.*

*Although we were asked to sign the search minutes and the boxes containing the confiscated objects, we were not allowed to watch the search or the moment when the evidence boxes on which I had to sign were sealed”.*

**c) Search at No. 2, Vasile Grozavu Street, sector 5, Bucuresti**

I, **DUMITRU MĂDĂLINA**, resident of Constanța County, commune Costinești, living in București, No. 14, Trompetului street, sector 5, ID card: series KT no.151797 of 18.03.2004, aged 17 (underage), declare the following:

*“On 18.03.2004, at 9.00 AM, the gendarmes came over the fence, without ringing the bell, broke the windowpanes on the door and broke into the building, and beat the dog in the yard.*

*One of the masked gendarmes kicked me in the chest, sending me flat on the floor, where he kept me at gunpoint for about 15 minutes.*

*The gendarme cameraman videotaped the moment when I was hit and pushed to the ground. Prosecutor Andreea Nica and inspector Ionut refused to show me their ID, telling me I had no competence in the case.*

*(...)*

*I was threatened with violence and compelled to sign a statement which a gentleman prosecutor dictated to me, telling me that if I failed to write exactly as he said he would not release me”.*

**d) Search at No. 123 Turturica Street, sector 5, Bucuresti**

I, **DIMITRIU HELEN ANCA**, living in Tecuci, No. 35 Elena Doamna street, ID card series GL no. 192415, declare the following”

*“At 9.00 AM, broke into the building without having tried to ring the bell, by escalating the fence and breaking the windows. After reaching the courtyard, gendarmes started to break the windows and doors of every room, even of those that were not locked, first at the ground floor, then on the upper floors.*

*All the people in the building were forced into the courtyard without being allowed to get dressed or touch anything in the rooms. Men were held at gunpoint, hands on their heads, face to the wall and without being able to speak to each other. Nobody was allowed to use the mobile phone to contact their chosen defense lawyer”.*

**e) Search at No. 26, Bonea Constantin Street, Sector 5, Bucuresti**

I, **ȘTEFĂNESCU MAGDA**, living in București, No. 22, Aleea Livezilor, building 32, entrance 2, 4<sup>th</sup> floor, flat 156, sector 5, ID card series BU no. 455189, declare the following:

*“On 18.03.2004, 9.00 AM, I was inside the building in Bonea Street when I heard the sound broken windows and the cry “Halt! Freeze!”. Through the open door in came a masked gendarme, who ordered me and Obrejan Mihaela to lie face down on the floor, hands on the head, while threatening us with his*

gun. Because I failed to comply immediately, the gendarme pushed me and I had to lie face down. I was held like that, with my hands on my head, alongside Obrejan Mihaela, for about five minutes in one of the rooms. Then we were ordered to get up, with our hands still on the head, while someone videotaped us, although I specifically asked not to be videotaped, because I was half undressed.

(...)

Then, the search of the other rooms began, while I and other people were kept with our hands up, guarded by two gendarmes.

I asked one of the gendarmes why we were being held like that and he started to yell, threatening to hit me if I opened my mouth again.

I was held in this posture, alongside other 5 women, for 9 hours, during which some of the women got sick, and eventually I got sick too.

During all this time, the building was searched and objects were put into boxes”.

**f) Search at No. 26, Ion Câmpineanu street, sector 1, Bucuresti**

**I, PETRACHE NATALIA ELENA**, aged 27, resident of Buzău, Dorobanți district, building 7B, flat 24, working for SC EXTAZ S.R.L., declare the following:

“On 18.03.2004 I was at work. Around 9.00 AM, while I was sitting on the toilet, I heard somebody banging at the door. I didn’t have the time to stand up when masked gendarmes broke into the bathroom. They dragged me from the toilet seat without allowing me to pull up my panties and, “pants down”, carried me into the office, while the cameraman who accompanied the prosecutor videotaped me.

I was forced to lie down, hands behind my back, still not allowing me to pull up my panties and still videotaping me in that posture. The driver of the company, Ilie Marian, my colleague, had been already lying down there, next to me.

I was asked about my mobile phones, which were immediately taken away from me and switched off. Only afterwards was I allowed to get up and dress. After repeated requests, a man who introduced himself as prosecutor Neagu Tomita hurriedly showed me a search warrant. Although not a word had been mentioned about the object of the search or the crimes we were suspected of, the search began.

It lasted from 9.00 AM to 10.00 PM, during which time I was not allowed to eat. At a certain moment, when a cell phone was found in my purse – about which I had already informed prosecutor Tomita – the latter threatened to hit me for not letting him know about the phone.

When the search was over, although I, as a witness, was asked to sign a minute, I did not receive any copy of the minute”

(...)

*Although I requested to call my chosen legal counsel, the right was denied. In the end, I managed to write a statement more or less according to my own will and I was allowed to leave the Prosecutor's Office by 2.00 in the morning".*

**g) Search at No. 5, Peleaga street, sector 5, Bucuresti**

I, **Diana Mihailescu**, aged 32, living in Bucuresti, No. 258, Pantelimon street, Bl.47, entrance B, flat.59, sector 2, ID card, declare the following:

"On 18.03.2004, around 9.00 AM, I was visiting a friend in No. 5, Peleaga Street, when I heard strong male voices calling "Down!" and I was surprised by a squad of gendarmes who entered the house, some of them also breaking the window of the room".

**7. The violation of the freedom of association**

The freedom of association includes the bestowal of legal personality, a right granted to MISA in 1990 and still in place. However, the freedom of association also means that no one will suffer from taking part in the activities of the respective organization. No one who wants to become a member of, to collaborate with, to support the organization or to take part in its activities will be intimidated. Otherwise, the formal or subjective association of the individual is not free.

For years, MISA members have been subjected to public defamation and harassment, instigated and supported by Romanian institutions - the Prosecutor's Office, the gendarmerie, the Romanian Information Service (SRI), the Ministry of Justice, the Ministry of Interior and Administration, etc. Especially worrying are the following situations:

- the unjustified search and detention of certain MISA members or sympathizers;
- libelous statements against them;
- threats that they would lose their jobs due to their affiliation;
- placement of MISA and its sympathizers under secret service investigation.

Several persons were forced to drop out of yoga courses organized by MISA because of such harassment and defamation. Certain members of sympathizers had problems in their relations at work or at home. In the autumn of 2003, after the Tg. Mureş libelous campaign, the number of course attendants in that city dropped – an obvious result of the public harassment against the organization.

**7. The participation of the SRI in the harassment of MISA**

The Romanian Information Service was involved in the surveillance and harassment of MISA under the pretext that MISA was a paramilitary

organization and a danger for the national security. The MISA legal person was targeted, although the current accusations - infringement of the copyright law and spreading pornographic materials – have nothing to do with national security. As for other, more serious accusations, - supporting paramilitary groups, drug traffic and human traffic – they proved to be completely groundless.

The SRI actions have infringed upon the fundamental right to privacy and freedom of association. The decision to put MISA under the surveillance of an institution meant to protect national security was totally out of proportion.

## **8. The treatment of Mădălina Dumitru**

Among the abuse committed by authorities in the MISA case, one is especially serious: the inhuman and degrading treatment to which Mădălina Dumitru, a 17 years old minor, was subjected to. Although she was nothing more than a witness in the trial against Gregorian Bivolaru, the minor, detained on 18.03.2004, during the raid at her home, was treated like a criminal. She was deprived of freedom, subjected to pressure and violence because she wanted to change a previous statement, which had been obtained under coercion in order to incriminate Gregorian Bivolaru, mentor of MISA. On April 1<sup>st</sup>, Mădălina Dumitru was taken by force to the Forensic Institute, where she was supposed to undergo a gynecological examination, although she had categorically refused it. The minor was surrounded by policemen and gendarmes all the time, and separated by her lawyer, which she has been unable to contact from that moment on. She has been isolated from her colleagues and fiancée. The inhuman treatment she underwent made her go through serious moments of crisis.

The Child Protection Commission decided on April 7, 2004, to place Mădălina Dumitru under the care of her mother's sister. The measure was taken against the girl's will. The minor is forced to stay with her aunt's family, unable to go anywhere by herself or to meet anyone. Her fiancée and colleagues who tried to pay her visits speak about her being molested by the family.

The underage girl has been prevented to:

- go to school;
- contact her legal counsel;
- file complaints against those who infringe upon her rights and freedoms;
- marry her fiancée, as the two publicly announced their intention.

She is practically a hostage to her foster family, living in traumatic conditions. This unprecedented situation is probably explained by the concern of those responsible to cover the illegalities they have committed so far.

It is not the humanitarian and educational concern that has determined the authorities to submit Mădălina Dumitru to such a regime; the proof lies in the scandalous decision to release her personal diary to the media. Newspapers lavishly published excerpts from the minor's erotic fantasies. The public defamation, to which both the media and the authorities contributed, is in flagrant contradiction with the claim of responsibility towards the girls' best interest.

### **C. Conclusions**

- (a) The brutal, unjustified raids organized on March 18th, 2004, in Bucuresti, which mobilized over 300 gendarmes, prosecutors, policemen and SRI agents, were only one event in a long series of actions against MISA and the yoga movement in Romania. Repressive actions and defamation campaigns against the organization had taken place before, elsewhere in the country. But interventions by the Prosecutor's Office, gendarmes and secret services never reached such proportions. It is the worst violation of democracy since the miner's descent on the capital.
- (b) The media were involved in defamation campaigns against MISA by using without discernment "information" offered by public authorities. The professional code of journalism was seriously infringed upon: the obligation to inform the public correctly, the right to be presumed innocent, verifying information from two independent sources, respect for human dignity. Especially serious was the publishing of Mădălina Dumitru's personal diary containing the girl's erotic fantasies. From a point on, the media took distance from the abuse committed by the authorities. Many of them accused the authorities of having used the MISA case for political purposes.
- (c) During raids and following investigations, the state authorities were in serious violation of fundamental rights and freedoms by intimidation, instigation, harassment, illegal detention, infringing upon personal freedom, the right to be presumed innocent, the right to privacy, the right to demonstrate peacefully, the right to reputation, etc.
- (d) Exceptionally serious was the inhuman and degrading treatment which minor Mădălina Dumitru was subjected to. She was intimidated, abused, prevented to move freely, practically sequestered. The authorities tried to use her, in an abusive manner,

to close the case against Gregorian Bivolaru. To this moment, she is still separated from the fiancée she wants to marry.

- (e) Such behavior is not, however, usual for Romanian authorities. There are serious reasons to believe that the events played a role in political manipulation. Some analysts make a connection between the events and the 2004 election campaign, more precisely the image problems of certain members of the Năstase cabinet. Given the whole context, in which Romania has difficulties in closing European accession negotiations, it may be the case that the March 2004 “scandal” was of crucial political importance.

The actions against MISA, its members and sympathizers, initiated on March 18<sup>th</sup>, 2004, are an unprecedented violation of human rights and fundamental freedoms, if we are to note the evolution of the society since the moment it applied for European accession. Institutions supposed to protect democratic values have undermined norms guaranteed by the Constitution, domestic legislation and international documents ratified by Romania.

In order to redeem the credibility of institutions meant to protect democracy, it is absolutely necessary that victims of these actions are compensated and those responsible are punished. If this does not happen, similar abuse may always happen again, with impunity for the perpetrators. The way the authorities will respond to the flagrant abuse in the MISA case is a test of the capacity of the current institutional system in Romania to safeguard the state of law. And by that, a test for the capacity of the system, as a whole, to observe the political criteria of integration (the Copenhagen criteria), pointing out to how compatible Romania is with the European Union values.