



European Federation for Freedom of Belief

V.le Angelico 38 – Rome

Representing human rights associations in six European States.

E.O.B is registered since December 8, 2014 with the number 761678715190-06 to the Transparency Register of the European Parliament and Commission in Bruxelles and Strasbourg.

Rome, January 19, 2015

To Whom It May Concern

Re: MISA proceedings in Romanian Courts

As a human rights organization focusing our interest on freedom of belief of individuals and of spiritual, religious and philosophical groups we are concerned for and worried about the reiterated facts involving MISA and its members in Romania.

This statement and the attached documents are made on the basis of art. 3.1 of our Statute, according to which :

[...]

b. Get that culture more and more represented in the legal systems and institutions, Public Security included, of the single European States and of the European Union;

c. Monitor the exercise of freedom of religion and creed in the European States and, in particular, in the European Union;

d. Denounce violations of freedom of religion and creed, and discriminations in the European States and in particular in the European Union; and should the violations occur in the European Union, it undertakes to offer advice to the Community institutions and to the European Court of Human Rights;

e. Actively operate, in every legal mean, to bring to an end any violation of freedom of religion and belief and any discrimination in the European States and in particular in the European Union, promoting, where needed, the intervention of the Community justice bodies;

[...]

<http://freedomofbelief.net/statute>

Romania is a member of the United Nation and of the Council of Europe as well as of the European Union and as such is bound by the international human rights instruments such as the International Covenant on Political and Civil Rights and the European Convention on Human Rights, to name but a few.

Romania has also to respect the judgments of the European Court of Human Rights as well as the FORB (Freedom of Religion and Belief) Guidelines promulgated by the Council of the European Union in 2013.

The Report about MISA attached to this statement has already been provided to the OSCE organization and to the Human Rights Extraordinary Commission of the Senate of the Republic of Italy.

As FOB we invite the Romanian authorities to respect International law obligations and to stop any action preventing MISA from enjoying full freedom of thought, conscience, belief and practice of any kind to which they are entitled on the basis of art. 9 of the European Convention.

In this very case it has also to be emphasized that two years after a raid in MISA's premises, from which the court case started, the official accusations and allegations have not yet been formulated, which constitutes something absolutely peculiar and unacceptable in a democratic country like Romania.

We reserve the right to take further action to support MISA.

Faithfully,

FOB (Freedom of Belief)

<http://freedomofbelief.net>

Attachments:

1. Observations submitted to the Extraordinary Committee for Human Rights, Senate of the Italian Republic
2. Considerations on Vasilescu's Report



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Observations submitted to the Extraordinary Committee for Human Rights, Senate of the Italian Republic – December 2013

Following the side-event at OSCE/ODIHR organized by Soteria International, (September 26th, 2013), “The institutional discrimination of religious minorities: the examples of Italy and Romania”, two of the speakers present at the meeting submitted to the Extraordinary Committee for Human Rights of the Senate of the Italian Republic, a file of observations. Despite the data collection being vast and covering a period of time that goes back to the Eighties, particular attention was paid to the MISA Yoga case that, at that time, had remarkable relevance in the news and was at the core of the above mentioned side-event. We want to report here the paragraphs concerning the MISA case, stressing the fact that, with regards to the current state of inquiry in Italy, after the clamor in the media after the raid of the Anti-cult team - clamor that ceased toward the end of 2013 - the authors were not able to find any news whatsoever on the development of the case, as even some of the defendants stated that they have no data at all on the eventual progress of their procedural situation, despite still being officially investigated.

1. The MISA case in Romania

Gregorian Bivolaru is the founder of MISA Yoga (Movement for Spiritual Integration in the Absolute), the most important Yoga movement in Romania, aiming to “improve people cultural and spiritual level by means of an adequate, in depth preparation, to spread the knowledge of Yoga”. Bivolaru is a famous political dissident who was arrested three times under Ceausescu’s regimen.

On March 18, 2004, a police blitz seriously upset MISA Yoga. 300 policemen armed and with their faces covered, raided 16 private homes whose residents were people who practiced MISA yoga. A 17 and a half years old girl, Madalina Dumitru, was questioned for 13 hours in a row. At the end of the interrogatory, she was forced to write a declaration. This paper was then used as an accusation. Bivolaru was accused of having a sexual relationship with a minor. The girl had wished to withdraw the accusations, the following day, but she was not allowed to. The legal proceedings were irreversible.

In 2005 Bivolaru was granted by Sweden the status of political refugee. For 9 years, Madalina Dumitru was forced to witness. In every circumstance she denied having had sexual intercourse with the MISA's founder. She filed another affidavit, denied ever having had sexual intercourse with Bivolaru and once more refused to accuse him. Her statement was not accepted by the judge. In May 2013, Human Rights Without Frontiers requested the European Committee to verify the trial's legality expressing concerns over the judge's behavior.

The last hearing was held on June 14, 2013. Gregorian Bivolaru was condemned to six years of jail for a single accusation, while all other accusations were dismissed. The case will be appealed to the European Court of Human Rights of Strasbourg.

MISA, as an association, was never accused. However, while the sentence on Bivolaru was pending, both MISA and the yoga's practitioners were severely censured, with media warning public opinion against them and depicting them in a very offensive way.

Several studies from experts and the investigation done by HRWF, allow to state that MISA does not present the characteristics of a manipulating cult abusing its followers.

The violations of human rights in the MISA Yoga's case in Romania are several. They cover an ample gamma going from discriminations on the work place to inhuman treatment of movement's followers by hospitals. One of the most evident aspects of the persecution of this organization is the reduction of its members since 2004. Before that date MISA had 37,000 members; since 2004 their number dramatically decreased going down to around 20,000, due to the social panic created by the media in the public opinion.

(At this point of the original report, other observations on the Italian situation are mentioned which are not related to the MISA Yoga case,-mentioned in the ending paragraphs quoted below).

12. The Italian delegation at OSCE – 26 September 2013

Amongst the other delegations, an Italian one was present at the annual OSCE/ODIHR conference (Human Dimension Implementation Meeting) held in Warsaw, on September 26, 2013. Two declarations were read in Plenary Session with some recommendations issued to the Italian Government on the controversial situation of the rights and equal opportunities of religious minorities.

The Italian delegation at OSCE, represented by Dr. Pierfrancesco De Cerchio, expressed attention for the issues taken in consideration, and expressed the intention to carry out further research and investigation. The OSCE representative of the Italian government personally followed the specific debate on the theme of the Side Event organized by the ONG Soteria International, "Institutional Discrimination and Stigmatization of Religious and Spiritual Minorities; Italy and Romania".

The debate, attended, amongst the others, by Senator Marco Perduca (XVI Legislature), by the President of Human Rights Without Frontiers, Willy Fautré and by the Italian contact of HRWF, Raffaella Di Marzio, concentrated on the legal, political and media aspects of religious discrimination, utilizing both Italian and international direct eye-witness accounts.

The subject of the meeting has been, in particular, the connection between anti-cult campaigns and stigmatization of minority religious groups, and the compatibility of the collaboration between controversial anti-cult movements and police, both in Italy and in Europe, with the respect of basic human rights and with freedom of conscience.

For more information:

The videos of the interviews and the reportages of the Side Event have been published on the Youtube channel of Soteria International, in order to make known the relevant contributions of the speakers: Senator Marco Perduca (Italy), freelance journalist Camillo Maffia (Italy), Psychologist on religion and Italian contact of HRWF Raffaella Di Marzio (Italy), HRWF Int'l Director Willy Fautré (Belgium), social activist Dan Spataru (Romania), activist for human rights Roberta Rendina (Italy), along with other reports from the victims (Attachment M).

Raffaella Di Marzio and Camillo Maffia

Members of the Steering Committee of F.O.B.

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**CONSIDERATIONS ABOUT THE MEMOIR SENT BY GNYRU PRESIDENT
ROMANIA'S REPRESENTATIVE IN EUY, MARIO SORIN VASILESCU (April 14, 1997,
page 6)**

Mario Vasilescu's report is a typical example of misinformation, coming from the “anti-cult” milieu, spread by media influenced by a European anti-cult organization.

One of this kind of organizations is FECRIS (European Federation of Centers of Research and Information on Cults and Sects and we will give an example below).

In particular, FoB, as European Federation for Freedom of Belief, has to criticize this paragraph:

[...]

“ 2. The lack of accurate reference points (both at the level of the population, the authorities and the media) supported the development of marginal sectarian phenomena – in our case, MISA – Bivolaru or his bad weather “coat”, the society of yoga and parapsychology – SYP, local movements (Elta University, pseudo-radiesthesy organizations, etc.) as well as imported ones (Sahaja Yoga, Ananda Marga, New Acropolis, Scientological Church, Moon Sect) – facilitating the luring of a multitude of new members, especially among the youth.” (Memoir p.8)

[...]

According to the European Parliamentary Assembly¹ and the Council of Europe Recommendation 1412 (1999)², we do not use the word “sect”, because, using this word, Vasilescu stigmatizes and discriminates against MISA, Sahaja Yoga, Ananda Marga, New Acropolis, Church of Scientology, Moon “Sect”, and so on ...

Moreover, in 2012, the University of Dresda published a very important research about this matter and the activities of controversial anti-cult organizations who use this word (sect) in order to stigmatize religious minorities and alternative spiritualities.

In this book, “Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS”³, the most important scholars (James A. Beckford, Massimo Introvigne, James T. Richardson, Richard Singelenberg, Hermann Weber) have contributed to this research under the aegis of Human Rights Without Frontiers in order to correctly inform European citizens about the discrimination and stigmatization of a number of New Religious Movements and alternative spiritualities, like MISA, Ananda, Church of Scientology, Sahaja Yoga, Moon’s Organization, and so on ...

“FECRIS (European Federation of Centers of Research and Information on Cults and Sects), an organization uniting 25 anti-sect organizations in Europe which was founded in Paris in 1994 on the initiative of the French association UNADFI (National Union of Associations for the Defense of the Family and the Individual). This organization is controversial and its crusade against sects poses a number of fundamental questions” (Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS, p. 182).⁴

Willy Fautrè, Director of Human Rights Without Frontiers Int. (Brussels), concluding the essay, writes:

“The practices of a number of FECRIS’ affiliates indicate that:

¹Assembly debate June 22, 1999 (18th Sitting) (see Doc. 8373, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr. Năstase, Doc. 8379; opinion of the Social, Health and Family Affairs Committee, rapporteur: Mr. Hegyi; and Doc. 8383, opinion of the Committee on Culture and Education, rapporteur: Mr. de Puig). Text adopted by the Assembly on June 22, 1999 (18th Sitting). <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16713&lang=en>

² <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=16713&lang=en>

³ Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS Religion – Staat – Gesellschaft Zeitschrift für Glaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews Religion – Staat – Gesellschaft Zeitschrift für Glaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews, 13. Jahrgang (2012) | Heft 2.

⁴ Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS Religion – Staat – Gesellschaft Zeitschrift für Glaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews Religion – Staat – Gesellschaft Zeitschrift für Glaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews, 13. Jahrgang (2012) | Heft 2.

- *they deny the qualification of faith or belief community to a number of movements legally registered and consequently deny the enjoyment of Article 9 of the European Convention on Human Rights thereof despite rulings of the European Court of Human Rights;*
- *they try to limit or impede the freedom of association, the freedom of assembly and the freedom of expression of new religious movements as well as their right to expand their membership;*
- *they try to limit the right of parents belonging to a new religious movement to provide the religious education of their choice to their children under the pretext that they are in great danger and need to be protected from indoctrination;*
- *they support a system of hierarchy of religions which discriminates against new religious movements and relegates them to a sub-category named “harmful, dangerous, destructive or totalitarian sects”;*
- *they stigmatize through the media whole religious groups which are legally registered and have never been condemned by criminal courts;*
- *they spread false or unfounded accusations and have been sentenced on the grounds of defamation;*
- *they create social panic by constantly warning against new religious movements and their hate speech creates a climate of intolerance that leads to verbal abuse, threats, physical aggressions against people and attacks against community buildings, including arsons; and*
- *they claim they respect freedom of religion or belief and they only campaign against “sectarian or harmful deviations” although they only target specific minority religious groups and not abuses committed by “Institutional Churches”.*

The market of ideas and the market of salvation are and must remain open to competition in a democratic society but must also respect the ethical standards of fair competition. In this regard, the state is to be strictly neutral. This point has been repeatedly stressed by the European Human Rights Court in decisions noting that “in exercising its regulatory power [...] in its relations with the various religions, denominations and beliefs, the State has a duty to be neutral and impartial”.

The Human Rights Court has also stressed that this policy of neutrality and impartiality of the State is essential for democracy to function: the “pluralism indissociable from a democratic society, which has been dearly won over the centuries, depends on it” (Freedom of Religion or

Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS, pp. 390-391).⁵

Coming back to the content analysis of Mr. Mario Sorin Vasilescu's report from 1997 concerning the yoga school MISA, it does not prove "objectivity, neutrality".

In support of this idea we mention that in 2008, according to the dossiers of the former Securitate in Romania, which were analysed by CNSAS, it was found out that Mario Sorin Vasilescu has been intensively acting as informer, being paid for this⁶.

Also, another important element which supports the lack of neutrality and objectivity of Mario Sorin Vasilescu's report on MISA, may be the fact that he is the leader of another yoga association and, obviously, in his perspective, MISA was a "rival" yoga school or a "competitor".

⁵ Freedom of Religion or Belief, Anti-Sect Movements and State Neutrality – A Case Study: FECRIS Religion – Staat – GesellschaftZeitschriftfürGlaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews Religion – Staat – GesellschaftZeitschriftfürGlaubensformen und Weltanschauungen/ Journal for the Study of Beliefs and Worldviews, 13. Jahrgang (2012) | Heft 2.

⁶ The sources of this information are the Gabriel Andreescu's works about MISA - "The suppression of the Yoga Movement in the 80s" and "MISA – Radiography of a repression". In the book "The suppression of the Yoga Movement in the 80s", at p. 55, there is the chapter named: The Network file of Mario Sorin Vasilescu, alias "Victor", alias "Daniel" (Dosarul de retea al lui Mario Sorin Vasilescu, alias "Victor", alias "Daniel".) Mr Andreescu mention that his sources are the archive of CNSAS (Consiliul Național pentru Studierea Arhivelor Securității (C.N.S.A.S.) - National Council for the Study of Securitate Archives), Dossier R243569, Interior Ministry, UM 0620 , UM 0625/RP. He is giving more details for each quotation as the page in the dossier and the date of the document. Gabriel Andreescu, Romanian human rights activist and political scientist, is an associate professor of the Department of Political Science at the National School for Political Studies and Public Administration (SNSPA) in Bucharest, and an active member of several Romanian human rights organizations).