

YOGA IN THE COURTS: THE LEGAL BATTLES ABOUT MISA



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CESNUR 2016 – Daejin University, Korea, July 7, 2016

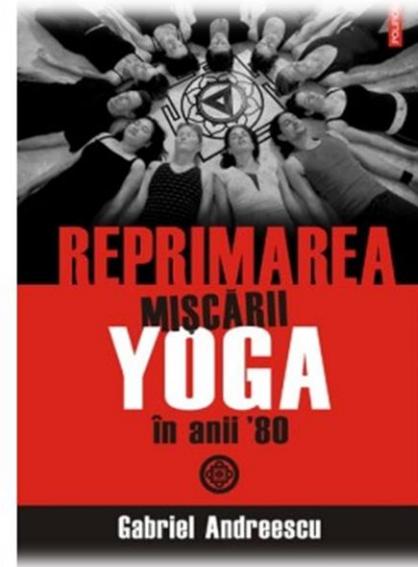
Yoga during Communism (1)

- During the Stalinist period (the '50s), all yoga practice was banned in Romania.
- The ban was loosened during the '60s.
- In the '70s it was possible to open *hatha* yoga centers, closely supervised by the *Securitate* (the political police).



Yoga during communism (2)

- 1982: “Transcendental Meditation Affair” ~ 366 people were placed under investigation.
- Yoga was forbidden again.



The Yoga Instructor Gregorian Bivolaru and his Followers (1)

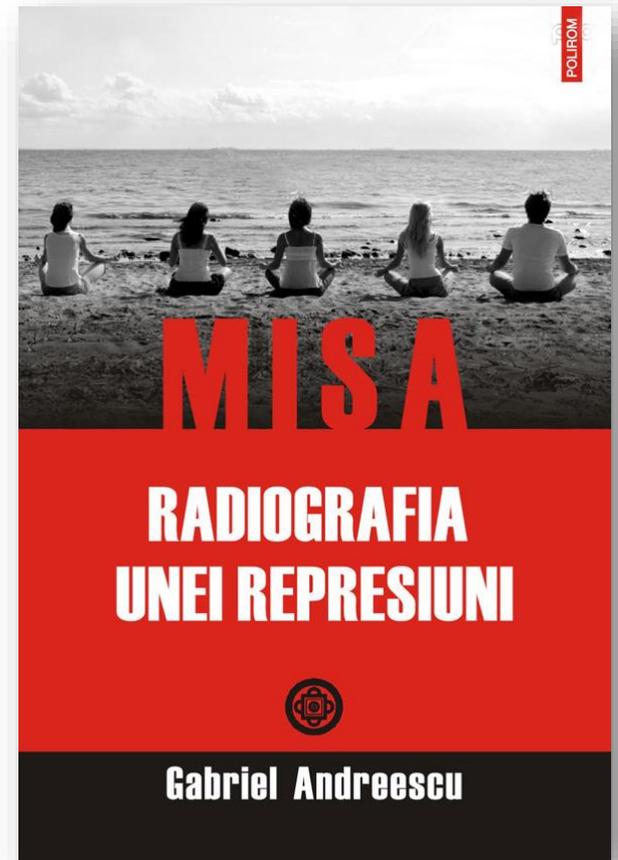
- Under surveillance since 1971
- 1984: accused of organizing and leading 7 yoga groups
- Interrogations, warnings, mistreatment, torture



The Yoga Instructor Gregorian Bivolaru and his Followers (2)

1989:

- Repressive interventions against yoga practitioners throughout the country
- Bivolaru was committed to the Poiana Mare Psychiatric Hospital; released in December



The Creation of a “MISA Case” after 1990

- January 1990: the Movement for Spiritual Integration into the Absolute (MISA)
- Gelu Voican-Voiculescu, minister in the “revolutionary government” (December 1989), and chief of the first domestic intelligence service
- The nationalist-wing of the ex-Securitate



The Creation of a “MISA Case” after 1990 (2)

- 1993: MISA is demonized by the media; oligarchs/press owners connected to the old regime
- Since 1996: yoga sessions interrupted, illegal interrogations, harassment of members, yogis fired from their jobs
- The role of the Romanian Information Service



The Brutal Actions against MISA (1)

~Armed Assaults on 18 March 2004 ~

- Gendarmes, armed for forceful interventions, prosecutors, SRI officers, cameramen
- Masked man with machine guns and Makarov pistols, battering down doors and assaulting 16 ashrams belonging to MISA members
- All TV channels: “today at 7:00 a.m., the biggest operation was conducted against drug trafficking and human trafficking from post-Revolution Romania”



The Brutal Actions against MISA (2)

~ Unproven Accusations ~

- The accusations made by the prosecutors and the media could not be proven



The Brutal Actions against MISA (3)

~ Armed Assault on 1 April 2004 ~

- The case of the “minor” Mădălina Dumitru - forced gynaecological investigation at the National Institute for Forensic Medicine
- Wild provocations, extreme aggression
- The Romanian state suspended guarantees which nationals were entitled to; yogis as enemies.

Crushing MISA by legal means (1)

The Indictment by DIICOT

- An immense Big Brother Show
- The Direction of Investigation of the Organized Crime and Terrorist Offences released a Criminal Charge Statement in June 2007
- The document states that MISA is an organized criminal group, with “sectarian valence”
- Human trafficking: exploitation of the unpaid work provided by the depersonalized MISA followers under the pretext of practicing a certain type of yoga, namely Karma Yoga
- DIICOT transformed the indictment into a mocking attack, offensive to the defendants
- “Professional” views together with official positions of private actors

Crushing MISA by legal means (2)

The Indictment of Gregorian Bivolaru

- 7 crimes: trafficking minors, human trafficking, sexual intercourse with several minor girls. First instance and appeal courts acquitted Bivolaru on all charges
- In 2013 the High Court of Cassation and Justice (HCCJ) sentenced Gregorian Bivolaru to 6 years in prison on the charge of sexual intercourse with Madalina Dumitru
- Gregorian Bivolaru managed to flee to Sweden and obtain asylum

Clarification of the Facts and Acts of Justice

(1) European Court for Human Rights

EcfHR (2014): the case of Atudorei vs. Romania
Damages of 15,600 Euros.

EcfHR (2015): the case of Amarandei and others vs. Romania.
Damages payment of a total of €291,000 for 26 victims.



Clarification of the Facts and Acts of Justice

(2) Domestic Court Decisions

- Gregorian Bivolaru: the recognition of the political police repression
- The case of Paul Ivanov: job discrimination



Clarification of the Facts and Acts of Justice

(3) Domestic Court Decisions

The Cluj Court of Appeal:

11 February 2015 judged
the indictment of DIICOT
and acquitted 21 defendants

... “preposterous charges”,
“searches were barbaric”,
“submitted to a regime of
mental and physical torture”,
“unprofessional expert”



MISA survived, but...

February 2016:

- the spiritual leader of MISA was arrested in Paris
- joint action of the Romanian and French police based on a European Arrest Warrant
- on the Europol site, the Romanian police presented the case as “sexual exploitation of minors and child pornography”; Bivolaru’s photo is among those of the most dangerous criminals in Europe, including terrorists
- in Romania, a new campaign against Bivolaru, including the incitement to lynching

CONCLUSIONS - An Exceptional Phenomenon of Solidarity Between State and Society (1)

- The role of random events in the emergence and evolution of the repression.
- Continuity of people in the state bureaucracy after the anti-communist revolution.
- New intelligence services have taken over most of the officers of former *Securitate*; prosecutors and militiamen of the totalitarian system became the new state prosecutors and police.
- Romanian weakness of democratic institutions.
However, it is a democracy.

CONCLUSIONS - An Exceptional Phenomenon of Solidarity Between State and Society (2)

- Objections to Yoga School MISA.
- MISA and sexuality: techniques that attempt to control the sexual act and to transform sexual energy into spiritual energy; „contenance” and the „spiritual couple philosophy”.
- Solidarity of society: people intolerance, their antipathy towards what is different; journalists and church hunting yogis.

How can a culture of nonviolence create hatred in public opinion?





Thank You !